



# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**Monday, 20 November 2017 at  
11:00**

**FIRE SERVICE HEADQUARTERS,  
99 VAUXHALL ROAD, BIRMINGHAM**

<b>Distribution of councillors</b>	
<b><u>Birmingham</u></b>	<b>G Singh Atwal</b> <b>K Booth</b> <b>D Barrie</b> <b>A Cartwright</b> <b>L Clinton</b> <b>N Eustace</b> <b>M Idrees</b> <b>R Sealey</b> <b>S Spence</b> <b>F Williams</b>
<b><u>Coventry</u></b>	<b>P Male</b> <b>C Miks</b> <b>S Walsh</b>
<b><u>Dudley</u></b>	<b>A Aston</b> <b>N Barlow</b> <b>M Mottram (JP)</b>
<b><u>Sandwell</u></b>	<b>K Allcock</b> <b>J Edwards</b> <b>C Tranter</b>
<b><u>Solihull</u></b>	<b>S Davis</b> <b>P Hogarth</b>
<b><u>Walsall</u></b>	<b>S Craddock</b> <b>B Douglas-Maul</b> <b>A Young</b>
<b><u>Wolverhampton</u></b>	<b>G Brackenridge</b> <b>T Singh</b> <b>P Singh</b>

**Car Parking will be available for Members at Fire Service Headquarters.**

**Accommodation has been arranged from 10.00 am for meetings of the various Political Groups.**

# **West Midlands Fire and Rescue Authority**

## **Fire Authority**

**You are summoned to attend the meeting of Fire Authority to be held on  
Monday, 20 November 2017 at 11:00**

**at Fire Service HQ, 99 Vauxhall Road, Nechells, Birmingham B7 4HW**

**for the purpose of transacting the following business:**

### **Agenda – Public Session**

- |           |   |                |
|-----------|---|----------------|
| <b>1</b>  | <b>To receive apologies for absence (if any)</b>  |                |
| <b>2</b>  | <b>Declarations of interests in contracts or other matters</b>  |                |
| <b>3</b>  | <b>Chair's announcements</b>  |                |
| <b>4</b>  | <b>Minutes of the Fire Authority held on 18 September 2017</b>  | <b>5 - 14</b>  |
| <b>5</b>  | <b>Monitoring Officer Provision</b>   | <b>15 - 20</b> |
| <b>6</b>  | <b>Delivering Strategy - The Plan 2018 - 2021</b>   | <b>21 - 32</b> |
| <b>7</b>  | <b>Route Map to a Mayoral West Midlands Combined Authority Governance - Representation from West Midlands Police and Crime Commissioner</b> | <b>33 - 42</b> |
| <b>8</b>  | <b>Route Map to Mayoral Combined Authority Governance - Development of Governance and Scheme</b>  | <b>43 - 48</b> |
| <b>9</b>  | <b>Monitoring of Finances</b>   | <b>49 - 54</b> |
| <b>10</b> | <b>Result of Recent Fire Service Prosecutions</b>   | <b>55 - 58</b> |
| <b>11</b> | <b>Minutes of the Audit Committee held on 4 September 2017</b>  | <b>59 - 66</b> |

<b>12</b>	<b>Minutes of the Scrutiny Committee held on 04 September 2017</b>	<b>67 - 76</b>
<b>13</b>	<b>Notes of the Policy Planning Forum 04 September 2017</b>	<b>77 - 86</b>
<b>14</b>	<b>Notes of the Joint Consultative Panel held on the 18 September 2017</b>	<b>87 - 92</b>
<b>15</b>	<b>Minutes of the Scrutiny Committee held on 09 October 2017</b>	<b>93 - 96</b>
<b>16</b>	<b>Notes of the Policy Planning Forum 09 October 2017</b>	<b>97 - 104</b>

### **Distribution:**

Keith Allcock - Member, Adam Aston - Member, Nicolas Barlow - Member, David Barrie - Member, Kate Booth - Member, Greg Brackenridge - Member, Andrew Cartwright - Member, Lynda Clinton - Member, Stephen Craddock - Member, Stuart Davis - Leader of Principal Opposition Group, Brian Douglas-Maul - Member, John Edwards - Chair of the Authority, Neil Eustace - Member, Peter Hogarth - Member, Mohammed Idrees - Vice Chair of the Authority, Peter Male - Member, Catherine Miks - Member, Melvyn Mottram - Member, Robert Sealey - Member, Paul Singh - Member, Tersaim Singh - Member, Gurdial Singh Atwal - Member, Sybil Spence - Member, Chris Tranter - Member, Seamus Walsh - Member, Fiona Williams - Member, Ann Young - Member

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**This agenda and supporting documents are also available electronically on the West Midlands Fire Service website at:- [www.wmfs.net](http://www.wmfs.net)**

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<b>Minutes of the West Midlands Fire and Rescue Authority</b>
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**18 September 2017 at 1100 hours at  
Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor John Edwards (Chair)  
Councillor Mohammed Idrees (Vice Chair);  
Councillors Allcock, Barrie, Booth, Brackenridge,  
Cartwright, Clinton, Craddock, Davis, Douglas-Maul,  
Eustace, Hogarth, Male, Miks, Sealey, T. Singh, P  
Singh, Spence, Tranter, Williams and Young

**73/17 Apologies for Absence**

Apologies were received from Councillors Aston, Atwal Singh, Barlow, Mottram and Walsh. Apologies were also received from the Chief Fire Officer.

**74/17 Declarations of Interest in contracts or other matters**

Councillor Edwards and Brackenridge declared a non-pecuniary interest in Minute No. 80/17 below (Monitoring of Finances).

**76/17 Chair's Announcements**

An electronic link to a Combined Authority report, setting out the progress that had been made towards Mayoral Governance, had been circulated to Members of the Authority. The report received unanimous approval by the Combined Authority at the meeting held on the 8 September 2017 and the Authority will now move to the next stage of the governance

review and preparation of the Scheme. The report will now be presented at the seven Metropolitan District Council meetings over the next few months.

The Combined Authority Scrutiny Committee had “called-in” the report and the Clerk and Chair to the Authority had attended a meeting to talk through the governance arrangements. The Scrutiny Committee had also expressed a wider interest in the governance of Transportation and Police and a Task and Finish Group would be set up to look at governance.

The Authority would continue to co-operate with the Scrutiny Committee of the Combined Authority.

A report would be presented to the Authority at its meeting scheduled for 20 November 2017 to provide an update of the position in respect of the Monitoring Officer as this was still be negotiated.

The Deputy Chief Fire Officer (DCFO) informed the Authority that the Emergency Services Show would be taking place at the National Exhibition Centre on Wednesday and Thursday, 20/21 September 2017. The Trade Show was also focussing on health and a West Midlands Fire Service Stand would be at the Show to promote its work in the Sector and its digital journey.

Members were invited to attend the public show which was free to attend and open all day. Further information was available from the DCFO.

**77/17 Minutes of the Fire Authority AGM held on 26 June 2017**

**Resolved** that the minutes of the Annual General Meeting held on 26 June 2017, be confirmed as a correct record.

## 78/17 **Audit Findings Report 2016/17**

The Authority noted the Audit Findings Report (AFR) 2016/17. Emily Maine, Senior Manager, Grant Thornton presented the AFR which had been presented to the Audit Committee at its meeting on the 24 July 2017. The AFR sets out and reports on the key messages arising from the external audit work undertaken during the year. The AFR is designed to support the Auditor's opinions and is a requirement of the Code of Audit Practice.

The Auditor indicated that the AFR was a very good report. Following the Audit Committee the Auditor issued an unqualified opinion on the Authority's 2016/17 financial statement included in the Authority's Statement of Accounts.

The Auditor was required to provide a Value for Money conclusion following the National Audit Office's Auditor Guidance Note 3 (AGN 03) following the criterion for auditors to evaluate

"In all significant aspects, the audited body had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people".

As a consequence of this work the Auditor concluded that for 2016/17 the Authority had proper arrangements in all significant aspects to secure economy, efficiency and effectiveness and to ensure it delivers value for money in its use of resources and gave a clean and unqualified Value for Money conclusion.

There were three main themes for members to be aware of:

1. The Government had set a shorter deadline for 2017/18 for the Auditor to provide an Opinion bringing it forward to 21 July 2018 from 30 September 2018.

The Auditor stated that the Authority had done extremely well and the Treasurer and Deputy Treasurer had provided an excellent set of accounts and had met the deadline a

year ahead of schedule which was a large achievement and were ahead of other Authorities.

2. The financial challenge being faced by local government and delivering against a medium term financial strategy. The Authority would need to keep an eye on this, in particular, in respect of partnership working and changing governance arrangements on the value for money side.
3. The Auditor would also be looking for Value for Money in the areas of public safety and collaboration and were aware of the work being undertaken in the private health and third sectors.

The Auditor would keep a watching brief on the Mayoral Governance Report to the Combined Authority.

One Member congratulated Mike Griffiths and his team on the report and stated in Ofsted terms the Authority would be rated as Outstanding. The Chair concurred with this view and although not unusual, as it occurred each year, was a good reflection on Mike Griffiths and Kal Shoker and the financial team who delivered excellent results in difficult financial times. The Chair thanked the Treasurer and External Auditors for their work.

#### 79/17 **Statement of Accounts 2016/17**

The Authority noted the Statement of Accounts 2016/17 and summary of the Statement of Accounts. The Treasurer confirmed that the Statement of Accounts had been reviewed by the Audit Committee who had also met in a separate workshop to discuss the accounts in detail. The Auditor, on behalf of Grant Thornton, thanked the Treasurer for the excellent quality of work produced on the statement of accounts and the very good working relationship with the team.

The Treasurer stated that there had not be any long term borrowing in the last financial year. In the 2016/17 accounts, there was approximately £37m for long term borrowing and this related to borrowing undertaken in previous years, predominantly for land and property. Fixed assets for buildings and vehicles were valued in the Balance Sheet at £146 million.

General balances had increased by £0.003 million to £9.236 million.

The accounts showed a net cost of service in 2016/17 of £107.2 million including an appropriation to earmarked reserves of £3.569 million which totalled £43.734 million at the end of the financial year.

It was explained that the Authority no longer receives capital funding and approximately 75% of the earmarked reserves related to capital expenditure and insurance operations.

A summary list of earmarked reserves was set out in the Statement of Accounts.

A summary of the Statement of Accounts 2016-17 was also provided.

In response to a Member's question regarding the Balance Sheet, the Treasurer explained that the values were set out in a way to comply with accounting arrangements. The figures included the arrangements to pay for the Firefighters Pension Scheme and the accounts took into account the potential obligations that would be placed on the Authority if all firefighters chose to retire at the same time. The accounting procedures require the scale of value/figures to be shown but to some extent this distorts the accounts.

In respect to a Member's enquiry about the protection of balances and the possible transfer of the Authority's balances to the Mayor following the move to Mayoral Governance, the Treasurer confirmed that until the detail and arrangements are more understood, the principle going forward will be that the funds of the Fire Service will remain isolated and therefore any reserves would remain as part of the Fire Authority. The Treasurer wasn't aware of detailed discussions on the reserves, but felt the principle would remain the same and thought it reasonable to assume that the Fire Authority's earmarked reserves would continue to be invested in the Fire Service.

The Clerk agreed with the Treasurer, but confirmed that the Authority would be asking the Combined Authority about this.

It was confirmed that the ownership of properties would rest with the Combined Authority and the Mayor will be able to exercise his discretion but the Authority would monitor developments.

The Chair stated that the move to Mayoral governance would be a long process and could take 18 months or more. A substantial amount of the reserves will have been spent or committed by this time on the rebuild of Coventry Fire Station, the refurbishment of Aston Fire Station, the Vehicle Replacement Programme etc.

The assets and liabilities will pass to the Combined Authority, but in the absence of capital funding the Combined Authority will need to ensure that a capital programme is in place and the Fire Authority will argue that it needs the reserves.

The Chair informed the Authority that the new Fire Minister Nick Hurd, MP had met a couple of Fire Authorities and he had recommended that those Authorities should spend their reserves to meet Service pressures.

## 80/17 **Monitoring of Finances**

The Authority noted the Monitoring of Finances. Appendix A showed the current position of the Revenue Budget and a favourable variance of £208,000. The Treasurer referred Members to the Corporate Budgets and, in particular Business Development, one of the areas of the efficiency plan set to raise £2m through flexible funding. For 2017/18 the income level was set at £1m, but the figures as the end of August indicated that the Service is not achieving the level of income hoped for. The Chief Fire Officer had confirmed at a recent Policy Planning Forum that this area was not on target, but remains part of the efficiency plan and the Service is committed to this over the lifetime of the plan.

Appendix B of the report set out the position in respect of the Firefighter's Pension Scheme and this was in line with expectations.

The scheme analysis shown at Appendix C indicated the Capital Programme for 2017/18 was initially set at £14.223 million. Expenditure to the end of August 2017 was shown as £1.163 million. The main forecast variances with the Capital Programme related to the Aston and Coventry Fire Stations and the Vehicle Replacement Plan. Equivalent funding will be moved to 2018/19 as part of the budget process and closedown of accounts.

In response to a Member's question about the variation of £6.2 million the Treasurer confirmed that the overall budget was originally £14.2m, but the spend forecast had been reduced this year because of the delays with the Heritage Listing complications of Aston Fire Station, hidden asbestos being found at Coventry Fire Station and delays to replace some vehicles in the Vehicle Replacement Programme until the following year. As a result, the Capital Programme expenditure had been reduced to approximately £8m in the current year. Earmarked reserve funding will be adjusted and spent over the following year.

**81/17 Contract Awards Summary for Period to 30 September 2017**

The Authority noted the contract Awards Summary for the period to 30 September 2017 that summarised the contracts in excess of £25,000 that have been awarded since 1 April 2017.

The contract in respect of smoke alarms was a National Framework Agreement for Smoke Alarm and Associated Products from which the Authority and other fire services would benefit and would produce a possible saving of £0.5m across the national fire service.

The disposal of the Academy was shown as a capital receipt as the cash had been transferred in April 2017.

**82/17 Result of Recent Fire Safety Prosecutions**

The Authority noted a report of a prosecution under the Regulatory Reform (Fire Safety) Order 2005.

The Service attended a fire on the 2 July 2015 at

2A Messenger Road, Smethwick, during which two people were rescued, one by ladder from the first floor. This was a convenience store with four flats above and a shared kitchen. As there had been a breach of the Fire Safety Order the Authority prosecuted the responsible person, who pleaded guilty and was sentenced to four months' imprisonment suspended for 18 months and was fined £25,000 and ordered to pay all prosecution costs which totalled £10,130.

**83/17 Minutes of the Audit Committee held on 24 July 2017**

The minutes of the Audit Committee held on 24 July 2017 were received.

**84/17 Minutes of the Executive Committee held on 7 August 2017**

The minutes of the Executive Committee held on 7 August 2017 were received.

**85/17 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 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).

**86/17 Planned Procurement Exercise for 2017/18**

The Authority received a report for approval of the tender exercises for the provision of various works, good and services to West Midlands Fire and Rescue Authority during 2017/18 for:

1. Integrated Communication Control System
2. National Framework for Gas Monitors
3. Car Leasing Scheme

The Integrated Communication Control System will provide new radio systems across Fire Services and would be grant funded by the Home Office.

A framework agreement for the provision of gas monitors would be set up so that other Fire and Rescue Services and Ambulance Services could access the contract.

The car leasing scheme would provide a potential benefit to staff, at nil direct cost to the Fire Authority. Staff would be able to access the scheme if they choose through a salary reduction.

**Resolved** that the tender exercise for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2016/17 be approved.

#### 87/17 **West Midlands Fire Service Band**

It was agreed that details of the Annual Band Concert would be circulated to all Members of the Authority. Tickets would be available from Alison Newis in the Corporate Communications Department. Councillors Davis and Hogarth had attended the Band Concert in June 2017 where a Welsh Male Voice Choir had also performed. This was a superb concert with quality musicianship and provided an enjoyable evening. It was noted that the Band had also performed at the Memorial Service in London on the 10 September 2017.

The meeting closed at 1250 hours.

Contact Officer: Julie Connor Strategic Hub 0121 380 6906 Julie.Connor@wmfs.net
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**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**20 NOVEMBER 2017**

**1. MONITORING OFFICER PROVISION**

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT the Authority note the appointment of Monitoring Officer provision through Local Government Shared Services (LGSS) Law Services.
- 1.2 THAT the Authority approves the Clerk to the Authority to make the changes required to the constitution and Monitoring Officer Memorandum of Understanding (MOU).

**2. PURPOSE OF REPORT**

This report is submitted to inform the Authority regarding the appointment of the Monitoring Officer from 26<sup>th</sup> September 2017.

**3. BACKGROUND**

- 3.1 As set out in the Local Government and Housing Act 1989 (Section 5) and the Local Government Act 2000 (Schedule 5), a Monitoring Officer is a statutory role and has the specific duty to ensure an Authority, its officers and its elected members, maintain the highest standards in all that they do.
- 3.2 The purpose of the Monitoring Officer role is to enable the safeguarding, as far as possible, of members and officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

- 3.3 Since the formation of the Authority in 1985, the role of Monitoring Officers and Democratic Services for the Authority have been provided through Sandwell Metropolitan Borough Council (MBC).
- 3.4 During 2016/2017 the then Monitoring Officer for the Authority left the employment of Sandwell MBC and the role of Monitoring Officer was temporarily assumed by the Deputy Monitoring Officer. This role continued to be maintained through Sandwell MBC and continued to meet the requirements of the Memorandum of Understanding agreed for provision of a Monitoring Officer. This temporary arrangement was put in place mid Authority year with the intention for review at the June 2017 Annual General Meeting (AGM).
- 3.5 A review of this provision was undertaken to determine the best way forward in ensuring this statutory role was provided for, against the context of our developing strategy and route to future governance change. Members considered a paper at the June 2017 AGM which set out three options for Monitoring Officer provision, with one option proposed as a 'preferred option'. The options were as follows:
- Option 1:** Maintaining current Monitoring Officer provision through Sandwell MBC.
- Option 2:** Monitoring Officer provided through a constituent member of the West Midlands Combined Authority – Wolverhampton City Council.
- Option 3:** Independently sourced Monitoring Officer provision.
- 3.6 Whilst each of the options would have provided the Authority with a Monitoring Officer resource that met the statutory requirements of the role, each option was considered in the context of the key requirements, risks and opportunities as set out in the 26 June AGM 2017 Authority report.

- 3.7 Members approved option 2 with the intent of implementing this change in September 2017, therefore concluding Monitoring Officer arrangements with Sandwell. Whilst arrangements were put in place to commence this new provision, due to unforeseen circumstances, Wolverhampton City Council informed were unable to provide the Monitoring Officer role.
- 3.8 Members were informed of this by the Chair to the Authority during an Extraordinary Executive Committee Meeting on 7 August 2017, with a view to determining a way forward in securing Monitoring Officer provision. Members would be informed of progress at the Authority meeting held on the 20 November 2017 meeting.
- 3.9 Following a further review of the options provided above and discussions between the Chair, CFO and Clerk, the Authority has commenced Monitoring Officer arrangements with LGSS Law, aligned to option 3.
- 3.10 LGSS Law Ltd is a law firm specialising in the public sector. It was formed by Northamptonshire County Council, Cambridgeshire County Council and Central Bedfordshire Council legal services departments. LGSS Law Ltd has innovative and professional teams of lawyers, providing cost-effective legal advice and assistance to a range of public and not for profit sector clients including Fire and Rescue Authorities."
- 3.11 This move has enabled the benefits of option 1 to be exploited and specifically has enabled the Authority to retain continuity in services as the individual providing the Monitoring Officer role over the past 12 months will remain in role. This retains the organisational knowledge which has been built over the past 12 months. This is critical to supporting the Authority through the next 12–24 months in the achievement of its strategic direction and importantly the effective progression of governance change.

- 3.12 Legislation provides for a Deputy Monitoring Officer (DMO) role to be appointed should the Monitoring Officer of an Authority not be able to carry out their duties. LGSS Law specialise in local authority governance and as such, will be able to provide a DMO provision for the Authority in the event the Monitoring Officer is not able to carry out this function. The expertise that the LGSS Law provides will offer progressive support to the Authority aligned to expectations both internally and externally around the transformation of services aligned to The Plan and governance change.

#### 4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required.

The matters contained in this report will not lead to a policy change.

#### 5. **LEGAL IMPLICATIONS**

- 5.1 This report enables the Authority to meet the legislative requirements of the statutory role of Monitoring Officer, as set out in the Local Government and Housing Act 1989 and the Local Government Act 2000.

#### 6. **FINANCIAL IMPLICATIONS**

- 6.1 The Monitoring Officer provision through LGSS Law will incur costs of £15,000 per annum which will be met from the Authority's Corporate Management budget provision.
- 6.2 The service through LGSS law incorporates two days dedicated support per month from the Monitoring Officer, the provision of a deputy Monitoring Officer when required and access to governance expertise and advice.
- 6.3 This additional specialised support will provide the Authority with guidance during the period of transformational change.

## **BACKGROUND PAPERS**

Review of the Monitoring Officer provision Authority Report 26 June 2017

The contact name for this report is Karen Gowreesunker, Clerk to the Authority, telephone number: 0121 380 6678.

PHIL LOACH  
CHIEF FIRE OFFICER



**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**20 NOVEMBER 2017**

**1. DEVELOPING STRATEGY – THE PLAN 2018-2021**

Report of the Chief Fire Officer.

**RECOMMENDED**

- 1.1 THAT the Authority note the progress made in supporting the delivery of The Plan 2017-2020 and the Financial Efficiency Plan (efficiency plan), during the current financial year 2017-2018.
- 1.2 THAT the Authority re affirm their continuing support for the strategic priorities and outcomes as outlined in The Plan 2017-2020 for 2018-2021.
- 1.3 THAT the Authority provide confirmation of continuing support to the CFO for the ongoing delivery of the Authority's 3 year rolling strategy for transformational service improvements, delivered through The Plan 2018-21. In particular, these will be delivered through:
  - implementing the programme of workforce reform and development in supporting the delivery of The Plan (2018 - 2021) and efficiency plan. A key area of focus will be the development of a Local Agreement.
  - the continuation of alternative funding activities to support the delivery of future strategy and the requirements of the efficiency plan, including the capability for staff to deliver these alternative funding activities.
  - The review of alternative options for staffing in enabling the effective delivery of the Service Delivery Model and improving public safety.

- 1.4 THAT the Authority consider the delivery of the above enabling services to be provided to local communities within a balanced budget, aligned to the Service's efficiency plan and The Plan 2018 – 2021.

## 2. **PURPOSE OF REPORT**

This report is submitted to seek the continued support of the Authority in pursuing the strategic direction of the Service as outlined in the Authority's 3 year rolling strategy, The Plan 2017-2020. In particular, to enable the achievement of the Authority's four-year efficiency plan 2016/17- 2019/20.

## 3. **BACKGROUND**

### **WMFRA Strategic Direction**

- 3.1 West Midlands Fire Service (the Service) is committed to providing an excellent service to the communities of the West Midlands. The Authority agreed on the 20 February 2017: the updated annual plan and Integrated Risk Management Plan (IRMP) delivered through a rolling 3-year strategy; 'The Plan 2017-20'. The Authority's 4-year efficiency plan for the Service was approved on 19 September 2016, its broad make up is set out in paragraph 3.4.
- 3.2 The Authority's risk based 5 minute attendance standard, forms the basis of the Authority's strategy and is the Authority's evidence based commitment to the communities of the West Midlands. The efficiency plan facilitates a continual transformation of the delivery of services through an integrated strategy of service and workforce reform. Whilst seeking to meet the efficiencies set out over the 4-year efficiency period, the Authority also recognises the need at the same time, to transform the way services are delivered for the future, through diversifying the skills of the workforce as a mechanism to reducing vulnerability.

This approach will ensure that the strategy remains relevant for the future, providing services that effectively and efficiently meet the needs of the community, the maintenance of the Service Delivery Model and importantly the risk based 5 minute attendance standard for category 1 incidents.

- 3.3 To maintain our SDM and achieve the delivery of The Plan within a balanced budget, the Service has explored and is implementing a program of workforce reform. This supports a flexible and agile approach to developing the workforce, enabling the Service to respond to opportunities as they arise through a changing environment. This has included a revised staffing model and the introduction of alternative funded services, which broaden our service delivery to the community. We have continuously enabled our employees to be engaged and involved in this journey.

### **Financial Backdrop and Efficiency Plan**

- 3.4 The current Authority approved financial efficiency plan, is made up as follows:  
£m

Staffing	4
Alternative funding	2
Restructures	1
Other budget reductions	1
Council Tax	<u>2</u>
	10

## **4. PROGRESS AGAINST THE PLAN**

### **Revised Staffing Model**

- 4.1 The new staffing model has been developed over the past 18 months and performance has been reviewed over this current calendar year (1<sup>st</sup> January 2017–31<sup>st</sup> December 2017).

- 4.2 This review has highlighted that from a service delivery and fleet availability perspective the new staffing model is working well, with high demand from staff to undertake voluntary additional shifts (VAS). This innovative approach has provided staff with an opportunity to earn additional income on a voluntary basis at a time of national pay restraint.
- 4.3 A key performance factor which enables efficiencies to be realised is the ridership factor. Currently the ridership factor is at an average of 13.6. We are aspiring to a target of 12.5 and will continue to manage all the elements which contribute to the ridership factor to achieve this target.
- 4.4 The staffing model has also consistently enabled the highest levels of appliance availability than in previous years of over 99%. This has directly contributed to the achievement of our excellent Category 1 risk based (average) 5 minute attendance standard - currently at 4 minutes 41 seconds. The parameters around fleet availability, linked to public safety impacts and financial control mechanisms, will be a key consideration in supporting service transformation and delivery of The Plan (2018 - 2021).
- 4.5 The current staffing arrangements are being delivered through a local collective agreement with the representative bodies, which is in place until the 31<sup>st</sup> December 2017. This includes a VAS paid at flat rate as originally planned, supplemented by an additional disturbance allowance and travelling expenses.
- 4.6 The disturbance allowance arrangement was part of the trial to allow staff to fully experience the new staffing model and provide feedback on any personal and financial impacts. Evaluation undertaken has highlighted that the majority (75%) of staff who have undertaken VAS have not experienced any financial impact.
- 4.7 Staff and representative bodies are currently being engaged with a view to agreeing a sustainable staffing model, delivered within a balanced budget and the efficiency plan. Failure to achieve this is likely to have a detrimental impact on the Service Delivery Model and our risk based attendance standards.

## Alternative Funding

- 4.8 In order to establish a balanced budget the Authority published its efficiency plan in October 2016. This plan specifically outlines the need for the Service to seek alternative funding opportunities, which will contribute £2m towards the £10m funding deficit.

A phased approach to achieving the target was set as follows:

£m

2016/17	0.25
2017/18	1.00
2018/19	2.00
2019/20	2.00

- 4.9 Seeking revenue through alternative funding as a transformational approach was also favorably supported by the public, through the WMFS WMFRA public consultation 2016-2017.
- 4.10 The Service has established a business development strategy to support delivery of achieving alternative funding opportunities and targets through three key work streams: commissioning/commercial, sponsorship and social value. All alternative funding services are aligned to the Services vision of making the West Midlands safer, stronger and healthier.
- 4.11 The introduction of new services through alternative funding has delivered wider benefits than just helping to meet the funding deficit. Currently a high proportion of the alternative funding income is generated through commissioned health activities related to the wider health agenda across the West Midlands. This includes non-emergency falls response activities across Coventry, Dudley and Wolverhampton and hospital discharges in Coventry.

Some benefits of this work include:

- engaging with the most vulnerable in our community from fire so directly supporting delivery of the Authority's strategy (The Plan).
- providing an increased and improved range of services to the most vulnerable people in our communities through professional and effective delivery of tangible outcomes.
- the income generated supports the Service to maintain its Service Delivery Model
- collaboration with the health sector and NHS, leading to Public Service Reform through delivering cross sector services, whilst making better use and value of public funding.

4.12 The target set for 2016/17 was effectively met. However, the target for 2017/18 is not likely to be achieved. This has been highlighted in a Policy Planning Forum and has been highlighted within the Monitoring of Finances report presented to Authority throughout the year.

### **Workforce Reform**

- 4.13 We continue to look for opportunities to reach a local collective agreement, which will provide an evidence base and foundation on which to deliver and embed workforce reform. This will continue to be explored with Representative Bodies utilising the Employee Relations Framework (ERF). An agreement would ensure the sustainability of our SDM through enabling capacity, flexibility and agility within the workforce, whilst supporting employees to manage their work-life balance and wellbeing.
- 4.14 In enabling the sustainable delivery of our services, a key element of our workforce reform programme and public service reform is broadening the role of a firefighter, through flexible contracts, to deliver a wide range of services.

This is being achieved through new flexible contracts being issued to new entrants, which will enable the delivery of wider health activities as part of their contract of employment.

### **Business Continuity Arrangements**

- 4.15 As an outcome of national pay negotiations the FBU support for the NJC trials has been withdrawn. In response, the local FBU have advised their members to withdraw from the delivery of non-emergency falls response service, back home safe and well and elements of the safe and well visit, not directly related to core prevention activities.
- 4.16 The national position directly impacts on alternative funding services and could lead to the Authority's credibility and reputation being put at risk. This may also impact on the Authorities ability to compete for future alternative funding opportunities. To mitigate this the Service has implemented a Business Continuity Plan (BCP) until 31<sup>st</sup> December 2017.
- 4.17 Business continuity arrangements delivered outside of the SDM are currently incurring costs which were not provided for when the budget was set. Whilst these continue to deliver a high standard of wider health activities they are not financially sustainable.

### **Future Delivery**

#### **Staffing**

- 4.18 The staffing model is required to deliver annual budget reductions by 2019/20 of £4 million when set against the baseline of 2015/16. In 2016/17, the core funding reduction was met through various elements of the overall efficiency plan.
- 4.19 Staffing has not met anticipated levels of budget reductions. This is primarily due to the payment of a disturbance allowance and the continued payment of the 7.5% Late Shift allowance.

It is important to note that the temporary payment of disturbance allowance for VAS at either 25% and 50%, was not budgeted for when the efficiency plan was agreed.

- 4.20 The initial staffing agreement was to pay a disturbance allowance of 25% or 50% up to 31<sup>st</sup> March 2017. This was extended to 31<sup>st</sup> December 2017, in order to evaluate the financial disturbance more accurately and provide evidence of the financial cost to staff working a VAS across a full calendar year. Alongside disturbance allowance, there has been additional funding required of circa £270K to continue payment of the Late Shift Allowance.
- 4.21 If current staffing arrangements were to be maintained until the end of the efficiency plan (i.e. the payment of a disturbance allowance of 25% or 50%), this would see a reduction of approximately £1m in predicted staffing savings from £4m to £3m.
- 4.22 The areas of staffing and business development are key priorities for transformational change and to the delivery of the Authority's 3 year rolling strategy, The Plan. To enable effective delivery of these priorities and to meet the saving targets set out in the efficiency plan, workforce reform is a critical enabler.
- 4.23 The Authority recognises the importance of reaching a local collective agreement in achieving the strategic objectives of The Plan and the financial requirements of the efficiency plan.

### **Transformational Change: The Plan 2018-2020**

- 4.24 Structured engagement continues to take place to inform a sustainable approach to supporting the delivery of The Plan 2018-2021. This includes updates via the established ERF, Policy Planning Forum and also through wider WMCA engagements, as well as other collaborative stakeholders.
- 4.23 Whilst the focus of these discussions will remain positive, it is important that the consequences of not achieving these future arrangements are also considered and understood.

- 4.24 Alternative funding work is integral to meeting our efficiency plan and therefore, the Service seeks to continue to implement its business development strategy. Critical to the success of income generation through alternative funding is for these services to be delivered through the SDM model, enabled through further workforce reform.
- 4.25 Factors constraining our ability and future opportunities to deliver alternative funding alongside unbudgeted staffing costs, particularly in terms of the overall efficiency plan, would create a greater need to identify efficiencies from elsewhere and/or would impact on our SDM. This could mean a reduction in the number of resources, fleet availability, changes to the status of vehicles (i.e. PRLs or BRVs) and an increase in attendance times.

### **Delivering Strategy through Workforce Reform**

- 4.26 To enable the ongoing delivery of the SDM it is anticipated we will recruit approximately 350 new entrants on more flexible contracts by April 2021, which will represent 25% of our uniformed workforce. This has been done to make provision to deliver alternative funding and transformational change, allowing more diverse capability across the Service. As cited throughout this report, during this time we will continue to work with existing staff and representative bodies, to implement a plan for delivering a local agreement. We will also seek to explore and develop an integrated approach to the delivery of services and employment pathways, through utilising schemes such as apprenticeship and traineeships. This will also provide us with the opportunity to attract and develop individuals from underrepresented groups in to the organisation.
- 4.27 Leadership at all levels is essential in the delivery of the strategy. To ensure we have the appropriate skills, behaviours and capability from existing and future leaders, we will carry out a review of our management structure and requirements. This will result in the need for increased flexibilities in the workforce to deliver transformational change aligned to our Strategy.

- 4.28 Currently we have 27 new entrants within the organisation with a predicted 60 joining in the first 6 months of calendar years 2018, which will maintain our agreed temporary establishment levels.
- 4.29 This will also provide the required staffing levels to deliver the current health activities (through alternative funding opportunities) within the existing SDM. This will be introduced using a phased approach.
- 4.30 Until a position can be agreed regarding existing staff undertaking non-emergency falls response health activities, new entrants will be based at falls response stations at the beginning of 2018. This will enable the Service to deliver falls response and Back Home Safe and Well from within the SDM. This will also ensure we have the right people with the right skills in the right place. This will require some movement of existing staff and will be managed to ensure the minimum impact to individuals using the existing managing vacancies policy.
- 4.31 All actions to deliver the Authority's strategy as set out in The Plan 2018-2021 will be grounded in maintaining an assertive, safe and effective approach to managing emergency incidents and ensuring public safety. The integrated SDM provides the combination of resources and risk scores required to deliver these services.
- 4.32 This will be achieved through realising the opportunities that arise through a positive but changing environment, which embraces transformational change.
- 4.33 The need to implement change through workforce reform and development will be undertaken in consultation with representative bodies using the ERF, to enable strategic achievement of The Plan.
- 4.34 Not achieving our strategy will mean that the Authority and its communities will experience a reduction in services provided, due to a shortfall in our overall financial efficiency plan and subsequently an acute degradation of the Service moving forward. The Authority will not be able to achieve a balanced budget.

## 5. **EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment has already been undertaken against The Plan 2017-2020 and will be reviewed in line with the recommendations in this report.

## 6. **LEGAL IMPLICATIONS**

There are currently no immediate or direct legal implications arising out of this report. However, the Service will consider any employee relations impact the transformational changes required may have and will do so as part its ongoing discussions with Representative Bodies and in line the Employee Relations Framework and Standing Orders.

## 7. **FINANCIAL IMPLICATIONS**

- 7.1 Transformational change with an assertive, safe and effective response is central to the delivery of the strategy of the Service, as set out in The Plan and approved by the Authority. The scale of the overall challenge to deliver efficient, effective services that meet the needs of the community in an environment of core funding reductions is significant.
- 7.2 The target annual income from 'alternative funding' as part of the efficiency Plan is £2m as reflected in paragraph 3.4. The phasing of 'alternative funding' across the four years of the efficiency plan 2016/17 to 2019/20 is contained in paragraph 4.8 and shows £1m in 2017/18 and £2m in 2018/19. In the current financial year a shortfall against the £1m is anticipated. As part of the Authority's budget setting process for 2018/19, consideration will need to be given to whether the £2m target for 2018/19 is realistic.
- 7.3 Specific temporary funding provision was made within the Authority's 2017/18 budget for Disturbance Allowance and to support measures to be introduced to achieve a ridership factor of 12.5.

As part of the Authority's 2018/19 budget setting process, consideration will need to be given to whether there is a need for any further extension of temporary funding provisions for staffing related issues.

- 7.4 Any budgetary impact relating to 'alternative funding' and staffing will form part of the 2018/19 budget report due to be presented to the Authority on 19<sup>th</sup> February 2018. At this stage, predominantly due to the 'alternative funding' and staffing issues referred to earlier in this Section, it is anticipated that in order to bring about the transformational Service changes highlighted in this report and to deliver the strategy reflected with The Plan, the use of Balances will be required as part of the overall funding arrangements to meet the Authority's 2018/19 budget requirements.

## **BACKGROUND PAPERS**

The Plan 2017-2020

Budget report Feb 2017

Efficiency Plan Report 19<sup>th</sup> September 2016

PHIL LOACH  
CHIEF FIRE OFFICER

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**20 NOVEMBER 2017**

**1. ROUTE MAP TO A MAYORAL WEST MIDLANDS  
COMBINED AUTHORITY GOVERNANCE – Representation  
from West Midlands Police and Crime Commissioner**

Report of the Chief Fire Officer.

**RECOMMENDED**

- 1.1 THAT the Authority approve the West Midlands Police and Crime Commissioner's (WMPCC) request to join the Authority.
- 1.2 THAT the Authority approves the request for full membership with voting rights, on the basis that the PCC as an elected member attends to enable this.

**2. PURPOSE OF REPORT**

This report is submitted to inform the Authority of the invite to and subsequent request from the WMPCC to join the Fire Authority and to support the Authority's decision in response to this request.

**3. BACKGROUND**

- 3.1 On 20 February 2017 the Authority recognised and approved a strategy and indicative timeline for the reform of the Authority as part of the route for the Mayoral WMCA governance of West Midlands Fire Service (the Service).
- 3.2 Following this on 10 April 2017 the Authority agreed to a number of recommendations including delegating authority as required to the Clerk and Monitoring Officer to action the required route to a reformed Fire Authority. This included:

- a) Preparation and submission of an application for appropriate revisions to the Local Government Act 1985, Schedule – 2 – Ref. AU/2017/Apr/22403172 10 (Part VI) in consultation with the Chair of the Authority.
  - b) Seeking appropriate consents for a reduction in the number of appointments to the Reformed Fire Authority (RFA) from its constituent Local Authorities as well as seeking appropriate appointments of co-opted members to the RFA.
  - c) The preparation of draft revisions to the Authority's Constitution, Standing Orders, Committee Structure and Committee Terms of Reference and any other relevant governance documentation for consideration on implementation of the RFA.
  - d) The preparation of appropriate draft revisions to the Authority's Scheme of Delegation as set out in the Constitution for consideration on implementation of the RFA.
  - e) The initiation of a review of the Members' Allowances Scheme in accordance with statutory requirements.
- 3.3 As part of point b) above, the Authority resolved to reduce its Members from 27 to 15, streamline its committee systems and invite 4 co-opted members to the Authority. These members were identified as adding value by increasing opportunities for collaboration, overall effectiveness and delivery of public services.
- 3.4 The four bodies identified to provide the above-mentioned value were: WMPCC, West Midlands Ambulance Service, Public Health and the WMCA. Provisions for independent and non-elected members is present in The Localism Act 2011 and Section 15-17 of the Local Government and Housing Act 1989 respectively.

- 3.5 The Chair of the Authority subsequently wrote to the WMPCC on 9<sup>th</sup> May to invite the PCC to formally submit a written request for appointment to the Authority as provided for in the Policing and Crime Act 2017. The letter also stated that upon receiving a request from the WMPCC, the Authority would:
- a) consider the request;
  - b) provide a decision with reasons, and
  - c) publish those reasons in an appropriate manner.
- 3.6 On 1<sup>st</sup> September 2017, the Authority received a formal letter of request from the WMPCC stating that this role on Authority would be delegated to an officer on behalf of the WMPCC. Both these letters are set out in Appendices 1 and 2.
- 3.7 Advice provided by the Home Office has highlighted that as a Member of the Authority, the WMPCC will have voting rights only if the WMPCC attends. However, any representatives for the WMPCC will not have voting rights as this power can only be exercised by an elected member.
- 3.8 As a co-member of the Authority, the WMPCC will not be remunerated for this role. It is believed the value and benefits for the WMPCC and Authority will be mutual. Benefits would include:
- continued and enhanced collaboration between Police, Fire and Rescue Services;
  - a shared focus on mutually agreed areas of targeted community risk.
  - Supporting progressive reform of the Service and governance arrangements.
  - This will also ensure the Authority is reflective of the Authority's partnerships and enhance scrutiny audit and performance measurement to improve outcomes/effectiveness.

- 3.9 It is recommended that the Authority accept the WMPCC's request and provides a position of full membership with voting rights on the basis the WMPCC takes up this position. This is in the interests of greater collaboration, public safety and enhanced delivery of wider shared priorities to the communities of the West Midlands.

#### 4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required. An assessment was carried out as part of 10 April report which identified that there were no equalities implications and determined that no further assessment was required.

#### 5. **LEGAL IMPLICATIONS**

The following legislation enables the changes raised in this report:

1. The Localism Act 2000.
2. Local Government Act 1985, Section 29 and Schedule 10 (Part 6).
3. Local Government and Housing Act 1989, Sections 15 to 17 and Schedule 1.
4. Local Government (Committees and Political Groups) Regulations 1990 [SI 1990 No. 1553].
5. Policing and Crime Act 2017.

#### 6. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### 7. **ENVIRONMENTAL IMPLICATIONS**

There are currently no environmental implications arising from this report.

## **BACKGROUND PAPERS**

20 February 2017 Fire Authority Paper – Route Map to Mayoral  
WMCA Governance

3 March 2017 WMCA Board Paper – Route to Future Governance

20 February 2017 Public Consultation Outcomes report

20 February 2017 Fire Authority report – Outcomes of the Future  
Governance Working Group

10 April 2017 Route Map to a Mayoral West Midlands Combined  
Authority Governance – A reformed Fire Authority (RFA)ROUTE MAP

The contact name for this report is Karen Gowreesunker, Clerk to the  
Authority, telephone number: 0121 380 6678.

PHIL LOACH  
CHIEF FIRE OFFICER



Fire Service Headquarters,  
99 Vauxhall Road, Birmingham B7 4HW

## Appendix 1

Mr. David Jamieson,  
West Midlands Police and Crime Commissioner,  
Lloyd House,  
Colmore Circus Queensway,  
Birmingham B4 6NQ

**Date:** 9 May 2017  
**Your Ref:**  
**Our Ref:** PT10905171/JE/LH  
**Tel No:** 0121 380 6906  
**Please ask for:** John Edwards

Dear David,

### **Your involvement on a Reformed West Midlands Fire and Rescue Authority**

I am writing on behalf of West Midlands Fire and Rescue Authority (the Authority) to inform you of the changes recently agreed by the Authority as part of its route to Mayoral WMCA governance arrangements.

On the 10<sup>th</sup> April 2017, the Authority resolved to reduce its Members from 27 to 15, streamline its committee systems and invite four co-opted members to the Authority with the prime intent of increasing collaboration and overall effectiveness.

A clear direction from a collaboration and engagement perspective was for the West Midlands Police and Crime Commissioner to become an appointed member of the Fire Authority. As such I invite you to formally submit your written request for appointment to the Authority as outlined in the Policing and Crime Act 2017.

### **Further to your participation on the Future Governance Working Group (the Working Group)**

Further to your office's participation and contribution to the *Working Group's* appraisal of the agreed governance options that supports West Midlands Fire Service's (WMFS) delivery of services, the Authority has received and noted the report of the independent chair. The Authority has also considered public's response to the recent consultation, which has reinforced the Authority's direction and with the local support of the WMCA Board, the Authority is now in the early stages of this journey.

Ref. AUTH/2017/20311172/GVH

(Official – WMFS – Public)

As part of this reform the Authority has considered how its work may be enhanced through your office's continued engagement as an appointed Member on the RFA.

It is the Authority's intention that as a co-opted member you will be able to engage in Authority business. Upon receipt of your request the Authority will:

- a) consider the request,
- b) provide a decision with reasons, and
- c) publish those reasons in an appropriate manner.

It is possible that if your request is received prior to the end of May 2017 this appointment could commence on the Authority's AGM on 27th June 2017.

Please direct your response to: The Clerk, West Midlands Fire and Rescue Authority, c/o Karen Gowreesunker: [Karen.Gowreesunker@wmfs.net](mailto:Karen.Gowreesunker@wmfs.net)

Please do not hesitate to contact me if you have any questions.

Thank you for your support in *Making West Midlands Safer, Stronger and Healthier*.

Yours sincerely,



Councillor John Edwards, Chair  
**West Midlands Fire and Rescue Authority**

## **Appendices**

Appendix 1 – Future Governance Working Group Report (20 February 2017)

Appendix 2 - WMFRA report: 'Route Map to Mayoral Governance' (20 February 2017)

Appendix 3 - WMFRA report – 'Route map to Mayoral West Midlands Combined Authority Governance – a Reformed Fire Authority (RFA) and decision (10 April 2017)

Appendix 4 – WMCA Board Minutes (3 March 2017)

Copies to: Phil Loach, WMFS  
John Edwards, WMFS  
Karen Gowreesunker, WMFS  
Brandon Lewis, Home Office  
Kate Yeung, Home Office

Ref. AUTH/2017/20311172/GVH

(Official – WMFS – Public)

APPENDIX 2

Please ask for : Mark Kenyon

wmpcc@west-midlands.pnn.police.uk  
Telephone Number: 0121 626 6060



west midlands  
police and crime  
commissioner

Our reference: 2017-01138

Councillor John Edwards  
Chair  
West Midlands Fire and Rescue Authority  
Fire Services Headquarters  
77 Vauxhall Road  
Birmingham  
B7 4HW

01 September 2017

Dear 

Further to your letter dated 2 August 2017 in relation to me having a full voting position on the West Midlands Fire and Rescue Authority (WMFRA) and any future reformed Fire Authority please see my comments below.

The merit of Police and Crime Commissioners having voting positions on a Fire Authority is less than clear with the main benefit of the Police and Crime Act being the collaboration requirements between organisations. This will enable organisations to be more efficient and effective without the need for Police and Crime Commissioners being a member of a Fire Authority.

However, I am willing for a senior member of my office to represent me on WMFRA. Therefore please treat this letter as a formal request to take up the position at WMFRA.

I am disappointed that you are unwilling to consider paying an allowance to my office for attendance at Fire Authority meetings. This would not be a payment to an individual but rather my office to offset general office and support costs. I would have thought this to be reasonable given other members of the Fire Authority receive personal allowances.

Ref. AUTH/2017/20311172/GVH

(Official – WMFS – Public)

2017/20311172/GVH



2017/20311172/GVH

2017/20311172/GVH

Lloyd House, Colmore Circus Queensway, Birmingham, 84 6NQ  
0121 626 6060 [www.westmidlands-pcc.gov.uk](http://www.westmidlands-pcc.gov.uk) Y@WestMidsPCC

Ref. AUTH/2017/20311172/GVH

(Official – WMFS – Public)



**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**20 NOVEMBER 2017**

1. **ROUTE MAP TO MAYORAL COMBINED AUTHORITY  
GOVERNANCE: DEVELOPMENT OF GOVERNANCE  
REVIEW AND SCHEME**

Report of the Clerk to the Authority.

RECOMMENDED:

- 1.1 THAT the Authority note the contents of the governance review and scheme which is currently being approved by local authorities. An electronic link to both documents is provided in the Background papers section below.
- 1.2 Note the timetable the report mentioned in 1.1 is being presented at local authority full Council meetings and Cabinet meetings (appendix A).
- 1.3 Note the change to the key milestones timeline stated in paragraph 3.7.

2. **PURPOSE OF REPORT**

This report is submitted to inform members of the progress made to date in the route to Mayoral West Midlands Combined Authority (WMCA) governance of West Midlands Fire and Rescue Service (the Service) since the last report presented to the Authority and invite member comments and questions.

3. **BACKGROUND**

- 3.1 On the 20th February of this year Authority members approved the proposed route to Mayoral WMCA governance of the Service. Subsequently, on the 3 March the Authority secured the support of the WMCA for the proposed strategy to assume governance of the Service.

Ref AU/2011171/HB/JAC

(Official – WMFS – Public)

- 3.2 Following further research and engagement with the WMCA, and its constituent authorities, a report was presented at the WMCA board on 8th September. The paper's recommendation to prepare a Governance Review and Scheme pursuant to Sections 111 and 112 (1d) of Local Democracy, Economic Development and Construction Act 2009, was approved. These documents were prepared by way of guidance and support from the WMCA, and contributions from legal heads of service from all seven WMCA constituent
- 3.3 It is also a legal requirement section 112 of Local Democracy, Economic Development and Construction Act 2009, that a combined authority seeks the approval of all local authorities on the governance review enabling preparation of a proposed scheme which details the proposed governance model.
- 3.4 The Secretary of State will then consult with local authorities and any other parties she considers appropriate prior to making an order.
- 3.5 Constituent local authorities are currently receiving the report detailing the proposals for future governance of the Service including the governance review and scheme documents. The timetable of circulation of the report is provided below:

LOCAL AUTHORITY	CABINET	FULL COUNCIL
Birmingham	14th November	-
Coventry	31st October	*5th December
Dudley	26th October	*4th December
Sandwell	18th October	17th October
Solihull	9th November	*5th December
Walsall	25th October	13th November
Wolverhampton	18th October	-

\*Awaiting outcome of meetings

3.6 Throughout this process there has also been continuous engagement with the legal departments of all seven WMCA constituent authorities. The Authority through the Clerk to the Authority, has supported and engaged with the constituent authorities through briefings and presentations to Cabinet members and attendance at full Council and Cabinet meetings where requested.

3.7 Following the consultation process with WMCA constituent authorities, a report will be presented at WMCA on 8<sup>th</sup> December detailing the responses resulting from local authority considerations and request approval to move forward to formal consultation in January 2018. A formal public consultation is in line with section 113 (3) Local Democracy, Economic Development and Construction Act 2009 and will assist the Secretary of State in her decision making on the proposed Order.

3.8 Indicative timeline of the key milestones for this governance direction:

<b>Details</b>	<b>Date</b>
WMCA approve a governance review and scheme to be developed	8 September 2017
Development of governance review and scheme, which will consider the business case for the change in governance.	September 2017
Constituent Authority approval of the content of the governance review and scheme.	October-November 2017
WMCA approval of the content of the governance review and scheme.	8 December
Consultation of proposals set out in the scheme on behalf of the Secretary of State (6 weeks minimum)	January – February 2018
Analyse consultation responses locally	March 2018
Constituent authority approval of governance review, scheme and analysis of consultation prior to submission to Secretary of State	April - May 2018
Governance review, scheme and analysis of consultation reviewed by Secretary of State (4-12 weeks).	June 2018
Government development of order detailing changes required in legislation to abolish WMFRA and amend legislation to enable future Mayoral WMCA governance.	July-Sept 2018 (nb.Parliamentary recess)
Constituent authority and WMCA approval of detail of order	Oct-Nov 2018
Order amended where needed locally and enters Parliamentary process	Dec 2017 - Jan 2018
Secretary of State approves order	February 2018
WMFRA functions transfer to the WMCA	Feb/March 2018

- 3.9 Members are asked to note a change to the above timeline. The WMCA will then seek approval from its constituent authorities following the public consultation and prior to submitting a report to the Secretary of State. This will take place April – May 2018 and will delay the overall timeline by approximately 2-3 months.

#### 4. **EQUALITY IMPACT ASSESSMENT**

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

#### 5. **LEGAL IMPLICATIONS**

- 5.1 The legal implications and process for devolving powers to the WMCA are set out above in this report.
- 5.2 The proposals in this report will meet the government's expectations that all Fire and Rescue Services consider one of the alternative routes leading to reform.
- 5.3 WMFRA have been consulting with the legal heads of service from all seven constituent local authorities for advice and guidance.
- 5.4 All relevant legislation pertaining to this governance route has been detailed in the Governance Review and Scheme.

#### 6. **FINANCIAL IMPLICATIONS**

- 6.1 The cost of this governance route has and will continue to be met from within existing approved budgets which have largely been delivered through WMFS. Support has also been provided from the WMCA and local authority Legal services.

- 6.2 Future reports will detail any additional costs that will need to be met. The financial implications for local authorities would be those arising from any resources allocated to supporting the public consultation.

## 7. **ENVIRONMENTAL IMPLICATIONS**

There are currently no environmental implications.

## **BACKGROUND PAPERS**

WMFRA 20 February 2017 Route Map to a West Midlands  
Combined Authority Mayoral WMCA Governance Report  
WMFRA 20 February 2017 Outcomes of the Future Governance  
Working Group  
WMCA 3 March 2017 Route Map to Mayoral WMCA Governance  
AGM June 2017  
WMCA 8 September 2017  
Governance Review and WMCA Scheme Report to Local  
Authorities (Sandwell Metropolitan Borough Council example)  
Scheme  
Governance Review

The contact name for this report is Karen Gowreesunker,  
Clerk to the Authority, telephone number: 0121 380 6678.

PHIL LOACH  
CHIEF FIRE OFFICER



**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**20 NOVEMBER 2017**

1. **MONITORING OF FINANCES**

Joint report of the Chief Fire Officer and Treasurer.

RECOMMENDED

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**

Appendix A compares the revenue budgeted to the end of October 2017 with the actuals to that date. Devolved budgets are managed by the Department responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Department on behalf of the Brigade as a whole.

The Authority's 2017/2018 Council Tax requirement is £39.377 million and the revenue budget is £94.848 million. Actual spend to October 2017, including commitments, was £57.244 million compared to a projected budget of £57.504 million, an overall favourable variance of £0.260 million.

Appendix B provides statistical data relating to the Firefighters' Pension Scheme.

### 3.2 **Capital Expenditure**

The Authority's approved capital programme for 2017/2018 is £14.223 million. A scheme analysis is shown on Appendix C. Expenditure to the end of October 2017 is shown as £1.515 million.

The main forecast variances within the capital programme relate to:

- Coventry Fire Station – demolition time extended primarily due to asbestos related issues. The development phase of the project started in October 2017.
- Aston Fire Station – the listed status of the site has required extensive consultation. The planning application was submitted on 15<sup>th</sup> September 2017 and approval is anticipated by the end of November 2017.
- Vehicle Replacement Programme – Completion of the 5 Pump Rescue Ladder appliances now anticipated in the first quarter of 2018/19.

### 4. **EQUALITY IMPACT ASSESSMENT**

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**

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**

These are contained in the body of the report and the attached Appendices.

## **BACKGROUND PAPERS**

Authority's Budget and Precept Report – February 2017  
Finance Office Budget Monitoring Files

The contact officer for this report is Philip Hales, Deputy Chief Fire Officer, telephone number 0121 380 6907

PHIL LOACH  
CHIEF FIRE OFFICER

MIKE GRIFFITHS  
TREASURER

<b>REVENUE MONITORING SUMMARY TO OCTOBER 2017</b>
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	<b>LATEST BUDGET 2017/2018 £'000</b>	<b>PROFILED BUDGET £'000</b>	<b>ACTUALS + COMMIT- MENTS £'000</b>	<b>VARIANCE TO PROFILED BUDGET £'000</b>
<b>DEVOLVED BUDGETS</b>				
Corporate Management	2,386	1,428	1,332	-96
Corporate Charges	660	597	597	0
<b>Service Support</b>				
People Support Services	5,794	3,518	3,442	-76
Business Development	214	134	136	2
Operational Preparedness	1,179	711	696	-15
Operational Assurance	380	222	255	33
Finance & Resources	4,884	2,776	2,679	-97
ICT	4,334	2,615	2,636	21
<b>Service Delivery</b>				
Operations	50,945	29,759	29,571	-188
<b>CORPORATE BUDGETS</b>				
<b>Service Support</b>				
People Support Services	2,844	1,705	1,667	-38
Business Development	-1,000	-450	-173	277
Operational Preparedness	-20	74	68	-6
Finance and Resources	15,080	10,508	10,481	-27
ICT	151	124	129	5
<b>Service Delivery</b>				
Response	5,182	3,017	2,970	-47
Prevention	-4	0	0	0
Protection	-47	-47	-48	-1
<b>Other Income &amp; Expenditure</b>	1,886	813	806	-7
<b>TOTAL (NET BUDGET REQUIREMENT)</b>	<b>94,848</b>	<b>57,504</b>	<b>57,244</b>	<b>-260</b>
Grant Funding	- 55,471	-35,978	-35,978	0
<b>TOTAL (COUNCIL TAX REQUIREMENT)</b>	<b>39,377</b>	<b>21,526</b>	<b>21,266</b>	<b>-260</b>

**FIREFIGHTERS' PENSION SCHEMES****NON-FINANCIAL  
INFORMATION**

	2017/18 PROJECTION				ACTUAL POSITION AS AT OCTOBER 2017			
	1992 FPS	2006 FPS	2015 FPS	TOTAL	1992 FPS	2006 FPS	2015 FPS	TOTAL
<b>Members of FPS at 1<sup>st</sup> April 2017</b>	361	13	912	1,286	361	13	912	1,286
<b>New Members</b>	-	-	60	60	-	-	28	28
<b>Opt-In</b>	-	-	-	-	-	-	-	-
<b>Transitional Members during year</b>	-34	-2	36	-	-14	-2	16	-
<b>Transfers from Other Pension Schemes</b>	-	-	-	-	-	-	-	-
<b>Transfers to Other Pension Schemes</b>	-	-	-	-	-	-	-	-
<b>Retirements</b>	-45	-	-	-45	-14	-	-	-14
<b>Opt-Out</b>	-	-	-	-	-1	-1	-15	-17
<b>Leavers</b>	-	-	-12	-12	-	-	-20	-20
<b>Ill-Health Retirements</b>	-2	-	-1	-3	-	-	-	-
<b>Members of the Fire Pension Schemes as at 31<sup>st</sup> October 2017</b>	332	10	921	1,263				

**CAPITAL MONITORING STATEMENT 2017/18**

<b>Scheme</b>	<b>Year 2017/18</b>	<b>Latest Budget £'000</b>	<b>Actuals October 2017 £'000</b>	<b>Forecast £'000</b>	<b>Variance £'000</b>
<b><u>LAND &amp; BUILDINGS</u></b>					
Training at Height Facilities	11 of 11	317	326	326	+9
Boiler Replacement Programme	Ongoing	264	5	105	-159
Roof Replacements	Ongoing	66	0	66	-
Windows/Door Replacement	Ongoing	505	102	550	+45
Rewires	Ongoing	332	70	272	-60
Coventry Fire Station	3 of 5	4,954	135	2,500	-2,454
Primary Control Primary	1 of 2	600	6	600	-
Aston Fire Station	3 of 5	3,910	69	250	-3,660
Secondary Control Room Relocation	2 of 2	74	38	74	-
<b><u>VEHICLES</u></b>					
Vehicle Replacement Programme	Ongoing	3,130	748	2,380	-750
<b><u>ICT &amp; EQUIPMENT</u></b>					
MDT Upgrade/Replacements	4 of 4	46	16	46	-
Oracle Licensing	9 of 9	25	0	0	-25
<b>Grand Total</b>		<b>14,223</b>	<b>1,515</b>	<b>7,169</b>	<b>-7,054</b>
<b><u>Funded By</u></b>					
Prudential Borrowing		0		0	0
Capital Grants / Contributions		613		613	0
Capital Receipts to be Applied		0		0	0
Revenue Financing / Earmarked Reserves		13,610		6,556	-7,054
<b>TOTAL</b>		<b>14,223</b>		<b>7,169</b>	<b>-7,054</b>
<b>SURPLUS(-)/DEFICIT(+)</b>					

**20 NOVEMBER 2017**

1. **RESULT OF RECENT FIRE SAFETY PROSECUTIONS**

Report of the Chief Fire Officer and Clerk

RECOMMENDED

THAT the details of the fire safety prosecutions be noted.

2. **PURPOSE OF REPORT**

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 **Norfolk Hotel, 267 Hagley Road, Birmingham**

3.1.1 This section of the report relates to the Norfolk Hotel, 267 Hagley Road, Edgbaston, Birmingham, that was pursued by this Authority following a complaint which identified a number of multiple failures to comply with fire safety legislation and which constituted a risk of death or serious injury in the event of fire.

3.1.2 Mr. Sukhwant Singh Pahal and Mr Yasin Hussain were co-defendants who had each failed to comply with the Regulatory Reform (Fire Safety) Order 2005. These failures resulted in 10 offences against each defendant.

3.1.3 On 30 August 2017 at Birmingham Crown Court both defendants pleaded guilty to 6 offences and were sentenced to 8 months imprisonment suspended for 2 years on each of the 6 counts. All sentences will run concurrently. Collective legal costs of £29,886.65 for bringing the prosecution were awarded against both defendants. Mr Pahal agreed to meet costs for both.

### 3.2 JD Sports and Scotts, Merry Hill Shopping Centre, Brierley Hill

3.2.1 This section of the report relates to JD Sports Fashion PLC as the Responsible Person trading as JD Sports and Scotts at the Merry Hill Shopping Centre, Brierley Hill that was pursued by this Authority following a routine seasonal inspection which identified a number of failures to comply with fire safety legislation due to the blocking of exit doors and the reduction of exit corridor widths.

3.2.2 JD Sports Fashion PLC, failed to comply with the Regulatory Reform (Fire Safety) Order 2005. The failures constituted 6 offences in total.

3.2.3 On 19 October 2017 at Wolverhampton Magistrates Court the company pleaded guilty to all offences. The company was fined £60,000 and was ordered to pay £7,463.52 towards legal costs.

## 4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out as the matters contained in this report do not represent a change in policies or functions of the Authority.

## 5. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 places a general duty on 'responsible persons' 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. The Authority is responsible for ensuring public safety by monitoring compliance with the law and, as appropriate, enforcing the requirements of the legislation.

## 6. **FINANCIAL IMPLICATIONS**

The award against defendants covers the legal costs incurred by the Authority in preparing the relevant prosecution file. The award also compensates for WMFS officers' time spent on each case; this amounted to £6,810.65 in the case of the Norfolk Hotel and £2,962.52 in the case of JD Sports Fashion PLC.

**BACKGROUND PAPERS**

Fire Safety files.

The contact name for this report is Gary Taylor, Assistant Chief Fire Officer, 0121 380 6006.

PHIL LOACH  
CHIEF FIRE OFFICER

KAREN GOWREESUNKER  
CLERK TO THE AUTHORITY

(Official – WMFS – Low)



## Minutes of the Audit Committee

4 September 2017  
at Fire Service Headquarters, Vauxhall Road, Birmingham  
B7 4HW

**Present:** Councillors T Singh (Chair), Aston, Idrees,  
Sealey, Singh, Williams  
Mr M Ager (Independent)

### 33/17 **Minutes of the Audit Committee held on 24 July 2017**

**Resolved** that the minutes of the meeting held on 24 July 2017 be approved as a correct record.

### 34/17 **Audit Committee Update**

The Committee noted the Audit Committee Update from Grant Thornton. The update focussed on progress of the audit and high level summary.

The Auditor confirmed that the Whole of Government Accounts would be completed week commencing 17 August 2017 and the Annual Audit Letter would be presented to the next Audit Committee.

Mr Richard Percival, Grant Thornton, updated the Committee on:

- The Home Secretary's Statutory Inspection Report

The inspection report into Avon Fire and Rescue Authority had been published and focused on the Authority's functions in respect of governance, and failings in leadership and culture had meant that that Avon Fire and Rescue Authority has not secured continuous improvement in the way in which is

functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The Auditor felt that this was an important document for Members to read and a link to the whole document was provided.

- On the 19 July 2017 the Home Office agreed that Her Majesty's Inspectorate of Constabulary (HMIC) undergoes a major expansion to take on the role of inspectorate of fire and rescue authorities in England.
- Grant Thornton had published an Income General report to help local authorities to maximise their ability to generate income by providing:
  - Case study examples
  - Local authority spend analysis
  - Examples of innovate financial mechanism
  - Critical success factors to consider

It was noted that Kal Shoker, Deputy Treasurer, would be taking part in a Panel on the 22 September 2017.

- Grant Thornton had produced an Income Generation report and a Manifesto for a Vibrant Economy

A Vibrant Economy Index had been produced that identified six broad objectives for society; prosperity, dynamism and opportunity, inclusion and equality, health wellbeing and happiness, resilience and sustainability and community trust and belonging.

The Members had attended a presentation at an earlier meeting of the Policy Planning Forum on the future governance of the Fire Authority. The Independent Member asked the Auditor and Internal Auditor for their views on the plans for the Audit and Scrutiny Committee of the Combined Authority or Reformed Fire Authority.

The Auditor stated that the decision would lie with whoever is charged with the governance of the fire authority and there was quite a way to go before the governance framework was in place.

Peter Farrow, Head of Audit for the Combined Authority, stated that fire didn't have representation at the moment on the Audit Committee of the Combined Authority.

It was noted that in Manchester, there was one audit committee for fire, police and the combined authority.

### 35/17 **Corporate Risk Update**

The Committee received the Position Statements for Quarters 4, 2016/17 and Quarter 1 2017/18 for each risk.

The Deputy Chief Fire Officer stated that he would be looking at a better way of presenting the information provided in the Appendices in the future.

The Corporate Risk Assurance Maps covered Quarter 4, 2016/17 and Quarter 1, 2017/18.

In Quarter 4 2016/17 there were no increases or decreases in any of the risk scores.

In Quarter 1, 2017/18 there were increases in six of the risk scores, which was described as quite dramatic, however, it was explained that the risks relating to People, Prevention, Business Continuity and Preparedness and Business Development had all increased due to the ongoing national discussions regarding the pay award and the potential withdrawal of support for the National Joint Council trials.

The Union had agreed to continue with the trials at the current moment.

Appendix 1 and 3 of the report provided the direction of travel for each risk.

**Resolved** that the six monthly Corporate Risk Assurance Map Summary for Quarter 4, 2016/17, Appendix 1 and Quarter 1 2017/18, Appendix 3 be approved.

**36/17 Minutes of the Pension Board held on 20<sup>th</sup> July 2017**

Mr Neil Chamberlain, Director of Commercial Services, West Midlands Police attended the Audit Committee for the first time in his capacity as Chair of the Pensions Board to present the Minutes of the Pension Board held on 20<sup>th</sup> July 2017.

Mr Chamberlain stated that the Pensions Board met every six months and this was the first full meeting he had attended. The Board had discussed its Terms of Reference and the amendments required were set out in a separate report to the Audit Committee for approval.

An Actions List formed part of the minutes and the Chair of the Pension Board had asked the Advisor to the Pension Board to provide more detail in the Risk Register to reflect the full degree of risk.

The Chair stated the Pension Board had struggled with attendance and wanted to ensure that the right people were regularly attending. An appointment process for new Members would be considered following the February 2018 meeting of the Pension Board as the three yearly appointments could be extended for further period(s) subject to re-nomination and/or election.

The Chair would undertake a skills audit of the Members of the Pensions Board to address any areas of weakness and arrange for any training required to ensure continuity, recognising that the Pension Board was fairly new. The experience gained in other sectors would also be looked at.

The minutes of the Pensions Board held on 20 July 2017 were received.

### 37/18 **Pension Board Amended Terms of Reference**

The Committee received the Pension Board Amended Terms of Reference.

The Terms of Reference had been amended in respect of the process for appointing a deputy chair, the following had been added:

“In the absence of the Independent Chair, a Chair person will be selected on a rotational basis between employee and employer representatives.”

A new Section had been added in respect of Reporting Breaches providing a formal approach to reporting breaches in broad terms, nationally and to the Regulator.

“Pension Board members are required to report breaches of the law to the Regulator where they believe there is a legal duty that has not or is not being complied with or the failure to comply will be of material significance to the Pensions Regulator in the exercise of its functions. Any breach brought to the attention of the Pension Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in a separate policy document.”

**Resolved** that the Pension Board Terms of Reference, as amended, be approved.

### 38/17 **Pension Board Annual Report 2016/17**

The Committee noted the Pension Board's first Annual Report. The Chair of the Pension's Board stated that the Board was fairly new and the Regulator was providing information on what the Board should be providing regularly. The Annual Report highlighted the activities of the Pension Board over the previous 12 month period, member attendance, and the Board's main achievements. The Chair stated that the Board were still working examining the quality of the information provided by the Pension Adviser.

It was noted that the word “Committee” should read Board in respect of the Pension Board.

A process of elections would be arranged to take place during 2018.

In answer to a question about the creation of a Discretions Policy, it was agreed that further information would be circulated to Members following the meeting.

Further training for Members of the Pensions Board would be arranged during 2018.

**39/17 Work Programme**

The Committee noted and agreed its Work Programme for 2017/18 and that the next meeting of the Audit Committee would be on 13 November 2017.

**40/17 Update on Topical, Legal and Regulatory Issues**

The Treasurer informed the committee of the procurement of external audit services. The Audit Committee were informed that Grant Thornton had been awarded the biggest lot.

For the Fire Authority, Grant Thornton would be appointed as the External Auditor from the 22 September 2017 by the CFO. The contract would run for five years from 2018/19.

**41/17 Update on Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)**

The Deputy Chief Fire Officer informed the Committee of the latest position in respect of HMICFRS.

There would be five HMICFRS Inspectors in England and over the following two months they would be preparing an inspection process that would be looking at economy, efficiency and leadership. It was noted that the Inspectors would not be looking at governance arrangements.

The Inspection of the operational aspects of the Fire Service was still being debated by the Home Office and Local Government Association (LGA) but it was noted that the fire inspection model would not be the same as the police model. The Inspectorate were currently recruiting staff and the first inspections would begin in Spring 2018.

A report setting out the full details of the Inspectorate would be presented to the Authority in the form of a presentation to the Policy Planning Forum or a Fire Authority Report as soon as further information was available.

One Member asked when the previous Inspectorate had been abolished and felt that the Service had come full circle.

It was confirmed that there had been a variety of inspection processes since the previous Inspectorate through the Office of the Deputy Prime Minister, and the Audit Commission, the Comprehensive Performance Assessment and Comprehensive Area Assessment and latterly through the LGA Peer Review process.

The Fire Service were now under the Home Office and undertaking the inspection route. Positive conversations had been had with the HMICFRS.

It was felt that previous inspections had been more about how a fire service looked than how it had performed

The HMICFRS would not be looking at governance as they did not see this as part of their role, but if the Inspectors felt there was a problem with governance they would ask the LGA to assist and the situation in Avon Fire and Rescue was given as an example, where the National Fire Chief's Council were working with the LGA and Members of the Authority.

(The meeting ended at 1257 hours)

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Julie Connor  
Strategic Hub  
0121 380 6906  
Julie.Connor@wmfs.net

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**04 September 2017 at 12:30 p.m.**  
**at Fire Service Headquarters, Vauxhall Road, Birmingham**

**Present:** Councillor Tranter (Chair),  
Councillors Barrie, Brackenridge, Hogarth, Male, Mks,  
Spence (Vice-Chair), Young

**Apologies:**

Nil

**Observer:**

Nil

**20/17 Declarations of Interests**

There were no declarations of interest.

**21/17 Minutes of the Scrutiny Committee held on 12 June 2017**

**Resolved** that the minutes of the meeting held on 12 June 2017,  
be approved as a correct record.

**22/17 Scrutiny of Positive Action and Firefighter Recruitment**

Sarah Warnes, Strategic Enabler People Support Services,  
provided an overview of the report:

The Committee had agreed to scrutinise positive action and  
firefighter recruitment and that a working group comprising  
Members would be set up.

It was noted that Joanne Simmonds, People Support Manager, was leading this work from a Service point of view and an update on progress would be provided at the November 2017 meeting of the Committee.

**Resolved** that the Scrutiny Committee agreed the working group comprising Councillors, Hogarth, Spence and Tranter.

It was noted that Joanne Simmonds would meet with Members during October.

## 23/17 **Dispute Resolution Report**

Helen Sherlock, Senior Business Partner, People Support Services, provided an overview of the report:

The purpose of the report was to inform Members of the number, type and outcomes of discipline and grievance hearings and other dispute resolution including employment tribunal activity that had occurred during the period 01 January 2017 to 30 June 2017.

Two grievances had been received. The first grievance was resolved and no appeal was lodged. The second grievance was a collective grievance which was heard by an independent manager and not upheld.

No employment tribunal claims had been submitted.

There had been 13 disciplinary cases:

- A single incident from 1 station which resulted in 10 disciplinary investigations; these were fully investigated and resulted in no formal action.
- Two hearings resulted in a 6-month written warning and did not go to an appeal.
- The third resulted in no formal action.

In answer to Members' questions, the following points were raised:

- The information contained within Appendix 1 had been presented in a new format to simplify the figures (as had been requested by members of the Joint Consultative Panel). It was agreed by the Committee for the figures to be presented in the new format going forward.
- A briefing on the Service's dispute resolutions process would be provided to Members at a future meeting of the Committee.

**Resolved** that the Dispute Resolution Report be submitted to the Joint Consultative Panel.

#### **24/17 Update on Progress of Outcomes from the Data Sharing Review**

Martina Doolan, Data Manager, Data Management Team, provided an overview of the report:

The main actions to date were as follows:

- The establishment of an implementation team
- An audit to be carried out to determine the data being shared
- The launch of the Management of Information Standing Order (go live as of June 2017 and a review process had been put into place)
- Training videos produced and released to upskill employees on the Management of Information
- An agreement made on where the responsibility for the governance of data sharing rested within the organisation (the responsibility rested with the Data Management Team and a data sharing register had been established)

- Updated template for data sharing agreements had been disseminated across the Service for use by stations and departments

Stations shared personal data in relation to the following areas:

- Safe and Well referrals
- Junior Fire Setter information
- Vulnerable Person details
- Incident data
- Safeguarding

These were all purposes that were defined in some of the existing data sharing agreements. Specialist teams within WMFS were recipients of some of this data, who then shared further with partner organisations as appropriate.

With regard to governance, data sharing agreements were in operation in some areas and working well but agreements were not current in some areas. It had also been noted that some agreements remained in draft format and it was unclear whether they had been signed off in some areas.

Work in progress included:

- Population of the Data Sharing Register
- Locating current agreements
- Ensuring agreements are signed
- Identifying areas where no agreement exists
- Ensuring where possible that agreements support the work of WMFS
- Data exchange mechanisms

Additionally, further work would include consideration of the implications of the EU General Data Protection Regulation (GDPR) and review processes in preparation for the introduction of the regulations in May 2018. Additional work would also be carried out regarding secure emails and the processes to facilitate easier exchange.

In answer to Members' questions, the following points were raised:

- It was necessary that the Service complied with the Statutory Code of Practice from the Information Commissioner's Office. The aspiration would be to improve upon the requirements of the code but the first step was to ensure that the Service had the right processes in place before progressing further.
- The proposed data audit was important to capture data flows, for example stations regularly sharing data with partner organisations and other departments. The purpose should be covered within the relevant data sharing agreements.
- The GDPR was a new legal framework within the EU. It would be implemented in the UK and remain applicable following the UK's exit from the EU.
- A lot of the data collected by the Service was done so at Safe and Well visits. Members of staff conducting a Safe and Well visit would always ask the recipient if the information could be collected and shared. When an individual consented to the collection / sharing of personal information, their signature would be obtained. It was noted that this was an area that needed to be looked at closer as a result of new regulations being stricter regarding implied consent.
- There was a need for the Service to look at social media engagement and in particular to ensure that when individuals requested to be removed from a mailing list, that their details were removed in a timely manner.

**25/17 Analysis of Progress of Quarterly Performance Against 'The Plan' - Quarter One 2017-18**

Sarah Warnes, Strategic Enabler People Support Services, provided an overview of the report:

Performance Indicator (PI) 1 – The Risk Based Attendance Standard: continued good direction of travel and demonstrated the ability of the Service to respond quickly to incidents. It was the best attendance standard in the country, however the Service was continually looking at ways to reduce response times even further, for example the introduction of a pre-alert system.

PI 5 The percentage of Safe and Well visits referred by our partners, and PI 6 The number of Safe and Well points achieved by the Brigade – both PIs were below target and demonstrated under performance. This was being examined by the Strategic Enabler for Prevention, working closely with Ops Commanders and watches to identify causes and how to ensure improvement.

Performance of the arson suite of PIs (PI 8, 9, 10, 11 and 12) had all improved with the exception of PI 11 The number of arson rubbish fires, which had worsened. This was due to the very dry weather which had been experienced during the reporting period.

Overall, performance within the Service Delivery PIs reflected a positive direction of travel.

PI 15 The percentage of employees that have disclosed their disability status – steady progress had been made and the percentage of staff that had declared their status was 93%. Other areas of declaration such as ethnicity and sexual orientation also had high levels of disclosure which allowed a greater understanding of the organisation.

PI 16 The number of female uniformed staff – one female had left the Service resulting in a figure of 74. 30 new entrant firefighters were due to commence employment in July and August of which three (10%) were women.

PI 17 The percentage of all staff from Black Minority Ethnic (BME) communities – was recorded as on target at 10%. As a result of feedback from the Committee, a new PI had been introduced this year; PI 17a The percentage of uniformed staff from BME communities. 17% of non-uniformed staff, 8.2% of uniformed staff,

and 2% of Fire Control staff described themselves as being from a BME background.

A focus on progression continued with 25% of females and 29% of staff from BME backgrounds within management roles.

Of the 30 new entrants due to commence employment in July and August, eight (27%) were from BME backgrounds.

PI 18 The average number of working days / shifts lost due to sickness – all staff: performance was within the tolerance levels, and represented a 13% decrease compared to the same period in 2016.

PI 19 The average number of working days / shifts lost due to sickness – uniformed and Fire Control staff: performance was within the tolerance levels.

It was noted that the approach to attendance management involved a balance between managing the needs of individuals and the needs of the Service.

The attendance management policy had been reviewed and had included a revision of the trigger points which had been lowered from eight to six days / shifts.

PI 20 The average number of working days / shifts lost due to sickness – non-uniformed staff: performance was within the tolerance levels and attendance had increased over recent years. Performance represented a 16.3% decrease compared to the same quarter in 2016.

PI 21 The total number of injuries – there had been 33 injuries during quarter one. The continued good performance represented the positive health and safety culture within the organisation. It was noted that seven injuries had been reported following tactical ventilation training. The number of injuries reported was low compared to the number of staff undertaking the training (equating to 1.5%). However, a review would be carried out to examine any common factors and to identify learning points.

PI 22 The total number of RIDDOR injuries – there were two RIDDOR reports during quarter one which was low and below the lower tolerance level.

PI 24 To reduce gas use of Fire Authority premises, and PI 25 To reduce electricity use of Fire Authority premises – performance for both PIs was below the lower tolerance level.

In answer to Members' questions, the following points were raised:

- The Service continued to work closely with West Midlands Police in tackling arson rubbish fires. There had been no direct correlation identified between the number of arson rubbish fires and the bin strike within Birmingham. The approach taken to tackling fly tipping was important and the Service continued to engage with partners regarding this.
- It was noted that it was important for schools to visit the Safeside facility.
- The reasons behind the performance of individual command areas with regard to the number of Safe and Well points achieved would be examined by the prevention team.
- The response time to category three incidents was quicker than the response time to category two incidents and this was largely due to vehicle location. The Brigade Response Vehicles attended a lot of the category three incidents.
- The position vacated by the one female member of uniformed staff would be backfilled by one of the new entrants, of which 10% were women. The Service was aiming to recruit 70 people this year, with the aim that 20% would be female. However, it was acknowledged that remained a low percentage and that the Service was aiming for 50% female, hence the use of positive action with regard to recruitment.

- Historically, circa 80% of applications were from white males. 15% of applications could be from females, a number which could reduce as female applicants discontinued their applications. Additionally, the number would generally decrease further as a result of the practical application process. As a result, the Service would always struggle to be representative of the population using traditional recruitment campaigns. Therefore, more controlled processes would be used.
- The Service held a pre-recruitment course for women during quarter one to help them develop a better idea of expectations. A further pre-recruitment course would be run later in the year. A number of taster days had also been held across the Service. The current pool of applicants featured 361 women and just over 400 people from a BME background.
- The continuing issues surrounding the recording of sickness absence was being addressed by management. There was evidence that absences were not being recorded effectively and business partners within People Support Services were working closely with managers to ensure recording is done correctly. Some of the instances were potentially due to a recording issue within the system and not due to return to work interviews not happening.
- Mental health was the top cause of sickness absence for uniformed staff. Mental health support had never been cut by WMFS. Support was provided through Mind's Blue Light Programme. The Service was exploring the ability to provide mental health first aiders who could provide peer support. The Service have 12 individuals who are carrying out this role and will be utilised on a trial basis. Critical incident debriefs would continue to be held to support individuals and teams. It was noted that the falls response service could trigger different counselling requirements/

- Concern was raised about firefighters suffering injuries whilst training. It was appreciated that firefighting involved a degree of risk and the number of individuals injured was low but it was still too many. It was agreed that further information on this subject area would be reported back to the Committee at the next meeting.

## 26/17 **Scrutiny Committee Work Programme 2017-18**

The committee noted the work programme for 2017/18.

It was noted that the item, Operational Assessment Improvement Register, would be submitted to the Committee at the October 2017 meeting.

Meeting ended at 14.20 p.m.

Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680
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**04 September 2017 at 10.30 am  
at Fire Service Headquarters, Vauxhall Road, Birmingham**

**Present:** Members of the Authority  
Councillor Edwards (Chair)  
Councillor Idrees (Vice Chair)  
Councillors Allcock, Aston, Atwal Singh, Barlow, Barrie,  
Booth, Brackenridge, Cartwright, Clinton, Craddock,  
Eustace, Hogarth, Male, Miks, Mottram, Sealey, P  
Singh, T Singh, Spence, Tranter, Walsh, and Williams  
Mr Ager

**Officers:** West Midlands Fire Service  
Chief Fire Officer (P Loach)  
Deputy Chief Fire Officer (P Hales)  
M Griffiths (Treasurer),  
B Brook, P Fellows, M Hamilton-Russell, Neil Spencer,  
S Timmington, S Vincent, and S Warnes

**Clerk and Monitoring Officer**

K Gowreesunker (Clerk)  
S Sahota (Monitoring Officer)

**Apologies:** Councillors Davis and Young  
Assistant Chief Fire Officer (G Taylor)

**Observers:** Nil

**17/17 Chair and CFO Announcements**

The Chair welcomed all attendees to the Policy Planning Forum.

A workshop had been scheduled on 18 September (12:15 to 12:45) for all Members which would cover MS Office 365, MESH (the new intranet), the Committee Management Information System (CMIS), and management of information.

## **Policy Planning Forum**

### **04 September 2017**

The Fire Authority (WMFRA) meeting due to be held in April 2018 had been rescheduled to take place on 16 April (previously scheduled for the 9<sup>th</sup>).

The WMFS Awards and Recognition evening would be taking place on 24 November. Members were reminded that they could make nominations.

Councillor Edwards had been reappointed to the National Joint Council.

The West Midlands Police and Crime Commissioner (PCC) had written to the Chair indicating the wish to exercise the right to join the Fire Authority. It was noted that the correspondence indicated that the position would be delegated to a senior officer. It was noted that the full WMFRA would need to consider and agree such a request. Additionally, there was a question regarding a senior officer attending WMFRA rather than an elected role such as PCC or Deputy PCC.

The Chair welcomed and introduced Phil Fellows, Strategic Hub Team Manager, Strategy and Risk.

The Chief Fire Officer welcomed all attendees to the Policy Planning Forum.

The Emergency Services Show was taking place on 20 and 21 September at the NEC. WMFS was playing a large role in the event and Members were encouraged to attend.

The nomination process for the Asian Fire Service Association awards and recognition event was now open. Members were encouraged to participate and provide nominations.

The 'Back Home Safe and Well' initiative had launched week commencing 28 August and had already seen 23 discharges successfully supported. It was noted that Back Home Safe and Wells were delivered by members of staff who were not necessarily operational staff.

## **Policy Planning Forum 04 September 2017**

Members were advised that an incident had occurred at Oldbury Fire Station during August where a firefighter had suffered a heart attack following tactical ventilation training. The firefighter had been taken to hospital and was now back home and recovering. All Members wished the firefighter their best wishes and a rapid recovery.

WMFS had been awarded the Employer Recognition Scheme Gold Award by the Ministry of Defence. The award was the highest badge of honour for organisations which had signed the Armed Forces Covenant and demonstrated outstanding support for those who serve and had served. WMFS were one of only 33 employers to have received the award.

As part of the move to Office 365, a new intranet (MESH) was launching today (4 September), a system that Members would be introduced to at the workshop on 18 September. It was important for the Service to have the right platform to communicate with staff at a time of change.

The Chief Fire Officer provided a brief update on the pay negotiations:

Negotiations continued nationally regarding the pay award. An offer of a 2% pay increase and to work toward a further 3% increase had been rejected by the Fire Brigades Union (FBU). The FBU Executive had revised their position and would be consulting its members nationally to accept the 2% pay increase and to work with employers to achieve the 3% increase. Medical response trials would continue in the meantime.

A 1% pay award year on year (up to 2020) had been factored into the Service's budget setting and efficiency plan (formulated prior to recent developments regarding pay offers). Increases in pay, particularly a 3% increase if accepted, could create pressure on finances.

The Chief Fire Officer provided an update on governance:

WMFRA had proved it was an efficient and effective Fire Authority. However, the Authority did not have any choice but

## **Policy Planning Forum 04 September 2017**

to change. Nine Fire Authorities across England were currently in the process of changing as a result of the Policing and Crime Act. There were other arrangements being developed such as Combined Authorities, for example WMFS and Greater Manchester FRS, plus changes to London Fire Brigade. Additionally, Avon Fire and Rescue Authority were under a best value review.

Understanding of the Fire Service model was still not fully understood. It was still seen as a simple model, for example solely about putting out fires. Little was known about upstream firefighting, prevention, resilience, etc. There was a need for Members to continue to communicate and inform others of the service delivery model, to 'spread the word'. Both WMFRA and the Service were acknowledged as being based in community need but more could be done to further understanding.

### **18/17 Governance Update**

Cllr John Edwards, Chair of WMFRA, delivered a presentation and update on the subject of future governance:

Members had been issued a link to a report on the governance of WMFS which would be submitted to the West Midlands Combined Authority (WMCA) on 8 September.

The report covered the following areas (not exhaustive):

- Progress route to WMCA / Mayoral governance
- Agree governance review
- Develop scheme
- Outline future model
- Timeline
- Evidence base for change
- Legal route

The evidence base for change included the work and findings of the Future Governance Working Group.

The main pieces of legislation to enable the Mayoral WMCA to enact a change in governance are:

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- The Local Democracy, Economic Development and Construction Act 2009
- The Cities and Local Government Devolution Act 2016
- The Policing and Crime Act 2017

The timeline for the move to WMCA Mayoral governance was 15 to 18 months (end of 2018 / start of 2019). As a result, the potential move to a Reformed Fire Authority may not be required, but it was an option that continued to be developed and be ready to implement as an interim measure should there be a need to, for example, if WMCA Mayoral governance timelines increased.

The functions of WMFRA would transfer to the WMCA including all staff who work for the Fire Authority. The new employer would be WMCA and Transfer of Undertakings (Protection of Employment) (TUPE) arrangements would be implemented (officers were discussing this with staff, particularly as it signalled a significant change). Terms and conditions for staff would continue to be discussed and agreed nationally. Current terms and conditions would continue and no changes were envisaged.

Some functions of the WMFRA would be delegated from the WMCA to the Mayor including budget setting, precept, integrated risk management plan and The Plan, appointment of the Chief Fire Officer.

Operational functions would be delegated to the Chief Fire Officer.

A Mayoral Fire Advisory Committee (MFAC) would be established, a principle embraced by the Mayor and the Local Authority Leaders.

It was proposed that the MFAC would consist of 15 Members (in a similar vein to the proposal for a Reformed Fire Authority).

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The role of the MFAC would include:

- Supporting / advising the Mayor / WMCA
- Lead Member principle
- Leadership / partnerships across the 7 Local Authorities
- Review and Scrutiny of Mayoral decisions
- Leading regionally / nationally
- Lobbying Government
- Ceremonial duties

The Lead Member principle would be similar to the Section 41 arrangements, building on this to establish clearer and stronger links with the Local Authorities.

The Review and Scrutiny role would provide the audit and scrutiny function. It was noted that this role could eventually move across to the audit and scrutiny function within WMCA.

The MFAC would undertake a regional and national role, for example continuing dialogue with the four regional Fire Authorities, and nationally, continued involvement with the National Joint Council, Local Government Association, National Fire Chiefs Council, and the Association of Metropolitan Fire and Rescue Authorities (which WMFRA now chaired and also included London Fire Brigade).

Lobbying of government would continue on areas such as funding.

Next steps:

- The Mayoral Governance report would be considered at the WMCA meeting held on 8 September
- The Governance Review and Scheme would be submitted to all seven Local Authorities for consideration
- A six week public consultation would take place; planned to commence in January 2018
- The outcomes of the public consultation would be submitted to WMCA prior to submission to Government (potentially April 2018)

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- Government to potentially produce final Order in November 2018

In answer to Members' questions, the following points were raised:

- In answer to a question of how the decision was made by the local authorities, by being submitted to full council or cabinets, it was noted that it was the decision of each Local Authority as to what method the decision was made but full council support was required
- The WMCA Scrutiny Committee had called in the Mayoral Governance report and it would be submitted to the Committee on 12 September
- The current membership of WMFRA would expire in May 2018. The number of Members called to sit on WMFRA (27 or 15) would depend on the timing of the Mayoral Governance. If it was potentially to take longer than the 2018/19 timeframe, the option to create a Reformed Fire Authority could be progressed.
- The current proposals would need to be reconsidered if the outcomes of the public consultation indicated no support for them from respondents. The IRMP consultation had indicated support for the Mayoral Governance model but if the consultation outcomes differed, public opinion could not be disregarded.

### **19/17 How we are Progressing in Delivering Objectives of The Plan**

Phil Loach, Chief Fire Officer, delivered a presentation on how the Service was progressing in delivering the objectives of The Plan:

Priorities:

- Prevention
  - Safer and Healthier Communities
- Protection
  - Stronger Business Communities
- Response

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- Dealing effectively with emergencies
- Maintaining and enhancing 5 minute response time

Delivering the priorities and services with fewer and effective resources.

The Grenfell Tower incident had demonstrated the importance of fire safety regulation / the Regulatory Reform Order. WMFS was always prepared to enforce but also sought to work with businesses.

The Service sought to maintain and enhance the Service Delivery Model (SDM) and the evidence based five minute response time. Other Fire Services had moved away from such an approach to response times, because of cuts to funding and following difficult decisions. WMFS had changed internally but had not moved focus away from response times, and had improved the service to the public. The SDM had reduced the risk of larger fires increasing.

The efficiency plan was developed to meet the £10M deficit between 2016/17 and 2019/20. It was designed to be responsive to an increasingly changing environment. WMFRA remained committed to core services as set out in The Plan. There were greater opportunities through WMCA and collaboration. The medical response trials / falls response helped target the most vulnerable people. It was noted that it would be very difficult to stay on track with the efficiency plan if the Service did not explore and take up further new opportunities.

The falls response service was being successfully delivered in Coventry, Wolverhampton, and Dudley (on an out of hour's basis). It was recognised by the Service that some of the workforce found this work difficult due to the circumstances surrounding many of these incidents, and that they placed an extra burden on firefighters in that such incidents were different compared to emergency response. However, such work was important; there was a direct link between these vulnerable patients and accidental dwelling fires.

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Workforce reform was instrumental in the evolution of the Service. So much change could cause uncertainty amongst the workforce, stations were seeing changes to the type of work they undertook, there was the reform of the Fire Authority, and changes with regard to WMCA. It was important to remember that the 38 community fire stations were the heart of our communities. It was noted by the Operational Assessment and Fire Peer Challenge team that the Service was not waiting for change to happen to it, but to help shape that change.

In terms of funding, there was a need to look at options including new ways of working and new types of work to maintain the SDM. The new entrant firefighters were on a flexible contract which build expectations of the new types of work, particularly around business development.

A target of £250K was set for year 2016/17. A figure of £260K was achieved, meeting the target. A target of £1M had been set for 2017/18, however the figure achieved to date was not as advanced this year due to the national discussions regarding medical response and discussions with partners (uncertainties over negotiating contracts). There was a large demand for Back Home Safe and Wells.

The delivery of all Service needs was to be underpinned by a digital strategy. This would enable a connected workforce, across 38 fire stations. It represents an investment to ensure the Service can deliver response, prevention and protection. It comprises a variety of platforms including Skype (videoconferencing), intranet (MESH), Office 365, and social media. Interconnectivity pulls together all the information. It also enables greater transparency which is a key pillar of reform as stated by the Government. Additionally, the Home Office had visited the Service recently and acknowledged that the Service was ahead of the curve.

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In answer to members' questions, the following points were raised:

- For falls response to be extended to Birmingham and Solihull, the commissioning organisations would require guarantees regarding service provision. The other falls response services are considerably smaller compared to Birmingham and Solihull. Utilisation of workforce is currently 10% but if a Birmingham and Solihull service was to be provided, utilisation would be approximately 30% to 35%. The Service will need to check the impact of providing such a service of that scale, ensure it can be delivered, and assess the impact upon the SDM. For example, the falls response was delivered using Brigade Response Vehicles and such a move could potentially require more of those types of vehicles.
- The Ambulance Service and Fire Service have a duty to collaborate. The Ambulance Service was under great pressure nationally. West Midlands Ambulance Service was the only Trust rated as outstanding. WMFS could help save lives responding to critical incidents, plus provide support to non-emergency calls, for example falls response.

The meeting closed at 12:07 hours.

<p>Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>
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<b>Joint Consultative Panel</b>
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**18 September 2017**  
**at Fire Service Headquarters, Vauxhall Road, Birmingham**

**Present:** Councillor Clinton (Chair)  
Councillors Allcock, Booth, Douglas-Maul, Edwards, P  
Singh

Employees Side:  
Steve Price-Hunt – Fire Brigades Union (FBU)  
Andrew Scattergood – FBU  
Jacqueline Jones, Unison

Officers:  
Karen Gowreesunker, Clerk  
Sarah Warnes, Strategic Enabler, People Support  
Services  
Helen Sherlock, Senior Business Partner, People  
Support Services

10/17      **Apologies:**

CFO Andy Hickmott,  
Association of Principal Fire Officers (APFO)  
John Routley, Unison

11/17      **Declarations of Interest**

None declared.

12/17      **Notes of the Joint Consultative Panel held on  
10 April 2017**

The notes of the Joint Consultative Panel held on 10  
April 2017 were received.

Steve Price-Hunt made a request to add items to the agenda under Any Other Business (AOB) from the Unions as there were no facilities to do this.

The Clerk stated that the items that could be discussed were within the agreed Framework.

Any Other Business is not allowed under the Terms of Reference of the Panel.

It was noted that the Union have an opportunity to discuss issues through the Joint Working Party and the Joint Consultative Committee, but do not have the opportunity to raise urgent issues, e.g. pay dispute, directly with Elected Members,

The Strategic Enabler (People Support) and Strategic Enabler (Strategic Hub)/Clerk to the Authority agreed that a response to a request which had been raised previously would be provided outside of the JCP.

It was agreed that Employment Law Training would be arranged for the Members of the Joint Consultative Panel on the 6 November 2017 and all Members of the Authority would also be invited to join the panel as part of the Member's Training and Development Plan.

Helen Sherlock would agree the content of the training session with the Chair of the Joint Consultative Panel.

13/17

## **Disputes Resolution Report**

Helen Sherlock provided an overview of the Dispute Resolution Report, the purpose of which was to inform members of the Joint Consultative Panel about the number, type and outcomes of discipline and grievance hearings and other dispute resolutions including Employment Tribunal Activity which had occurred during the period 1 January to 30 June 2017. Lessons learned are also taken into account and regular meetings are held with the Trade

Unions/Representative Bodies at Joint Consultative Committee and monthly Joint Working Party meetings.

### 13.1 Grievances

It was noted that information is gathered in respect of nine protected characteristics. Two grievances had been received, from Grey Book employees. The first of which was resolved and no appeal lodged. The second grievance was a collective grievance lodged following on from a station investigation that involved all 4 watches. The grievance was in respect of organisational change, this case was appealed but not upheld.

### 13.2 Disciplinary

There were 13 cases investigated under the Disciplinary Procedure:

A single incident from one station that resulted in 10 disciplinary investigations; these were fully investigated and resulted in no formal action.

Two hearings resulted in a 6-month written warning and did not go to appeal.

The third hearing resulted in no formal action.

All but one disciplinary involved male employees with different ages, race and religion and there had not been any impact on any particular group.

No employees have been dismissed and there were no outstanding Employment Tribunals.

One claim, that had been within the cases for the last 18 months, was due to be heard by the Employment Tribunal Service in October 2017.

### 13.3 It was noted that this was a joint report and through the day to day close working with the Trade Unions and Representative Bodies the report included the key

concerns including the number of cases that are escalated to gross misconduct. Theft, assault, malicious damage were given as examples of where gross misconduct would be considered, each case was dealt with individually.

This can result in a variety of outcomes including no case to answer and written warning.

Steve Price-Hunt stated that although there had been a hearing and appeal of which is reported as being resolved, his view was that this was resolved for the management however the grievance had not gone away for his Members.

It was accepted that the level of disciplinary hearings had reduced however, concern was expressed by both the FBU and Fire Officers Association that cases are escalated to Gross Misconduct at all times.

The current method of two officers visiting employees at their home address with a letter indicating that an investigation would take place and may result in dismissal was resulting in employees booking off work with anxiety and stress and he had witnessed the distress caused when accompanying his Members on visits to Occupational Health.

He considered that matters were escalated too quickly and Managers, although receiving disciplinary training via the effective manager series were falling into the old trap of using gross misconduct and then reducing the allegation.

It was requested that a comparison was carried out with other metropolitan Brigades regarding the number and level of investigations that have been conducted.

Sarah Warnes stated that through the joint work with the Trade Unions and managers via policy and education, managers had received training enabling

them to nip wrong behaviours in the bud to reduce the level of grievances and disciplinary hearings as indicated in this reporting period.

Only 2 grievances and 3 investigations (taking into consideration the 10 investigation for one of the investigations) had been conducted in this reporting process. This was considered a low number within the organisation and wanted to provide assurance that a Commissioning Officer always takes all information into account before taking further action and understands the seriousness of an allegation of gross misconduct.

If a Manager has an issue, this is discussed with a Member of SET who makes the decision to commission a gross misconduct if they deem it appropriate after considering all of the facts and information.

The Chair noted the Trade Unions concern at the high level of disciplinaries that were started at gross misconduct level and then reduced and felt it appropriate to look at the Metropolitan Brigades and other organisations to look at their procedures.

It was agreed that the People Support Services Department would contact other Metropolitan Fire Brigades and carry out the comparison

Cllr Douglas Maul agreed and thought this was a good idea and there could be two extremes and suggested a definitive guide could be issued to staff with an interpretation of the boundaries. Grouping different actions.

Cllr Edwards agreed that a comparison should be sought, although he thought the figures in this six monthly period had been skewed by the unique nature of the occurrence at one station. He stated that the letter issued would include statutory requirements of the potential outcomes and the narrative had been agreed in the past with the Trade Unions.

It was confirmed that the letter followed the ACAS Code of Practice and had been produced following the disbandment of the 2003 Disciplinary Regulations from the Grey Book. It states that one of the potential outcomes could be dismissal.

There had been one case where a disciplinary had been escalated from misconduct to gross misconduct in these cases another letter is sent out to the employee explaining the reasons for this.

It was confirmed that the outcomes are based on the information and mitigations are taken into account and alternative awards can result. Each case is individual.

Steve Price-Hunt stated that 20 of his members were still aggrieved following a grievance and suggested that disciplinary cases could begin with a charge of misconduct and following an investigation could be escalated to gross misconduct, it was suggested that the current method could be seen as influential to the Investigating Officer. Following a thorough fact finding investigation, Investigating Officers would be more confident of the charge

It was agreed that the People Support Services Department would contact other Metropolitan Fire Brigades and carry out the comparison and share the information with the Unions.

The meeting closed at 1350 hours.

**09 October 2017 at 12:30 p.m.**  
**at Fire Service Headquarters, Vauxhall Road, Birmingham**

**Present:** Councillor Spence (Vice-Chair),  
Councillors Barrie, Booth (substitute), Brackenridge,  
Hogarth, Miks,

**Apologies:**

Councillors Male, Tranter and Young

**Observer:**

Nil

**27/17 Declarations of Interests**

There were no declarations of interest.

**28/17 Minutes of the Scrutiny Committee held on 04 September 2017**

**Resolved** that the minutes of the meeting held on 04 September 2017, be approved as a correct record.

**29/17 Operational Assessment Improvement Register**

Karen Gowreesunker, Clerk to the Authority and Strategic Enabler Strategic Hub, provided an overview of the report:

Members were asked to note and comment on the contents of the Operational Assessment (OpA) Improvement Register and to note that the Service would utilise its existing planning and performance

frameworks to implement and monitor performance in addressing the areas for consideration arising from the OpA process.

Some of the areas for consideration within the Improvement Register were very wide in their scope and it had not been possible in some cases to refine such areas to a specific area or function.

Some areas for consideration related to work which constituted continuous areas for development for the Service and as such, had been recorded as complete for the purposes of this exercise and would not be included within future updates provided to the Committee.

The areas for consideration and subsequent actions would be managed via the 3PT (portfolio, programme, project, task) approach. It was intended that future updates would be provided to the Committee on a six monthly basis over the following 12 to 18 month period.

The Fire Service Inspectorate had been established and it was possible that the outcomes of the OpA and Fire Peer Challenge could form some basis of the initial inspections.

In answer to Members' questions, the following points were raised:

- Area for consideration number 3: As governance for the Service progressed, the future Reformed Fire Authority and the ultimate transfer of governance to the Mayoral West Midlands Combined Authority would reshape the role of Members. The number of Members would reduce and therefore responsibilities would change. Current arrangements would be reviewed and developed where applicable as part of the future governance model.
- Members would receive training on the future governance model if requested. However, it would not be practicable to provide any training until the details of the governance model was confirmed.

- Area for consideration number 26: The capacity to provide training to the required level was provided in the provision of station based trainers and subject matter advisors. The Distributed Training Model enabled training to be undertaken and for crews to remain operationally available. The model was further facilitated by the provision of hubs at each training location. Work remained ongoing to develop this further.

### 30/17 **Scrutiny Work Programme 2017-18**

The committed noted the work programme for 2017/18.

### 31/17 **Workshop for members on Dispute Resolution process**

Helen Sherlock, Senior Business Partner, People Support Services, provided a presentation on the Service's dispute resolution process as part of a workshop for Members following the request for further information that had been raised at the meeting of the Committee held in September.

Meeting ended at 13.06 hours

Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680
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**09 October 2017 at 10.30 am  
at Fire Service Headquarters, Vauxhall Road, Birmingham**

**Present:** Members of the Authority  
Councillor Edwards (Chair)  
Councillor Idrees (Vice Chair)  
Councillors Allcock, Aston, Atwal Singh, Barlow, Barrie,  
Booth, Brackenridge, Cartwright, Craddock, Hogarth,  
Miks, Mottram, P Singh, T Singh, Spence, Walsh, and  
Williams  
Mr Ager

**Officers:** West Midlands Fire Service  
Chief Fire Officer (P Loach)  
Deputy Chief Fire Officer (P Hales)  
Assistant Chief Fire Officer (G Taylor)  
B Brook, P Fellows, M Hamilton-Russell, Neil Spencer,  
S Taylor, S Timmington, S Vincent, and S Warnes

**Clerk and Monitoring Officer**

K Gowreesunker (Clerk)  
S Sahota (Monitoring Officer)

**Apologies:** Councillors Clinton, Davis, Eustace, Male, Sealey,  
Tranter, and Young

M Griffiths (Treasurer),

**Observers:** H Begum, J Round

**20/17 Chair and CFO Announcements**

The Chair welcomed all attendees to the Policy Planning Forum.

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**21/17 Governance Update**

Cllr John Edwards, Chair of WMFRA, and Karen Gowreesunker, Clerk to the Authority, presented an update on the subject of future governance:

The Mayoral Governance report had been submitted at the West Midlands Combined Authority (WMCA) Board Meeting where the governance review and scheme were approved (the governance review explained why the proposed change; the scheme detailed how the proposed change would be made).

The governance review and scheme were being finalised and would be submitted to the seven Local Authorities for consideration and for approval. The governance review and scheme would be considered by the Cabinet first and then full Council (there were some variations in the process at Sandwell Council and Walsall Council).

Public consultation would be undertaken between January and the middle of February 2018 (the whole exercise would take until March). The purpose of the consultation would be to ask the wider public to consider the proposals and the outcomes of the consultation would form the basis of the submission to the Secretary of State who would consider the consultation feedback against what the Authority was proposing. The Secretary of State would then put forward a model for the governance of the Authority.

In answer to Members' questions, the following points were raised:

- It was envisaged that both a Reformed Fire Authority (RFA) and a Mayoral Fire Advisory Committee (MFAC) would comprise of 15 Members plus a number of co-opted members. There was a keenness to ensure that either model represented the composition of the West Midlands. However, a further reduction in numbers could be proposed by the Secretary of State.
- The proposal for a RFA was separate to that of a MFAC. It was intended that a RFA would be an interim

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measure, and its implementation would be largely dependent on the progress of the Mayoral WMCA governance route. There was the potential that the governance model could move straight to Mayoral WMCA governance if timings were close.

- The governance review and scheme would be issued to all Members in advance of their respective Council meetings. All Members were advised to check with Officers within their Local Authorities regarding their position in such meetings, as Members of the Fire Authority they would need to disclose their interests at Council.

### **22/17 How we are Progressing in Delivering the Objectives of The Plan**

Gary Taylor, Assistant Chief Fire Officer, delivered a presentation on how the Service was progressing in delivering the objectives of The Plan:

- Prevention

The Service continued to strive to reduce risk and tackle vulnerability. The Service had observed reductions in the number of accidental dwelling fires, injuries and fatalities. Nationally the number of incidents had plateaued and had started to increase. The Service had strived to continue the reduction in the number of incidents etc and this was reflected in the performance over the last six months, although the rate the numbers were reducing had slowed down.

Fire Investigation aim to discover the causes of fires. Fire Investigation were working closely with coroners. The Service would be holding a conference in November 2017 with all of the coroners in the West Midlands where they would be asked to consider fire safety and fire prevention when producing and issuing coroner letters.

The Safe and Well visit was a key initiative of the Service. It provided a wider scope, looking at the causes of the causes.

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This including looking at any underlying causes rather than simply installing a smoke alarm and advising occupants of escape routes. The Safe and Well visits tied in with the Service's approach incorporating the Marmot Principles; taking a more person focussed approach and looking at the wider picture to understand factors such as lifestyle and habits.

Reflecting the Service's commitment to the Safe and Well visits and in tackling risk and vulnerability, the targets for the two corporate performance indicators covering this area had been increased. Safe and Well visits were offered to all members of the public within the West Midlands but there was a need to focus on those who were the most vulnerable, to which partnerships were key. As a result, the performance indicator target for the percentage of Safe and Well visits referred by partners had been increased from 40% to 50%. The target had not been met yet but the percentage would continue to increase.

The majority of arson performance indicators had previously been over target. Arson was not a specific issue for the Service to solely tackle. As a result of the performance within this area, the Service had reviewed the situation and developed focussed arson plans for local commands. This had resulted in an impact upon the number of arson related incidents which had decreased. Actions within the arson plans included sharing the local arson picture with Section 41 Members and all Members were encouraged to liaise with their Local Authorities to help address arson related incidents.

The number of arson incidents in non-domestic premises had previously been very high with approximately half of all incidents occurring within HMP Birmingham. The Service had liaised with the prison and it had reviewed its approach to fire safety. The number of arson incidents were currently half of what had been previously recorded.

The Service remained committed to reducing the number of road safety incidents and were working with the West Midlands Combined Authority on the road safety strategy.

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The Service continued to work within the wider health activity including 'Back Home Safe and Well' visits and falls response. These initiatives helped to reduce pressures on other services and to support the system.

The trials had been affected by national pay discussion and a consequence of this had been the withdrawal of local support from representative bodies. Business continuity plans had been implemented to enable continuity of services to local communities. These had ensured no impact on the delivery of services and contractual commitments.

- Protection

The Service had developed an integrated approach to business engagement. When attending premises, Fire Safety Officers would consider vulnerability and feedback to the prevention teams where applicable. The Service was also developing a programme to ensure firefighters had fire safety knowledge which would allow them to deal with non-complex fire safety issues.

Business Support Vehicles (BSV) had been introduced into the Service in 2015. BSVs were crewed by a Fire Safety Officer and attended the majority of automatic fire alarms, engaging with owners and to look at other fire safety issues. Over 99% of automatic fire alarms were wasted calls. The BSVs supported the Service Delivery Model by protecting the fleet so that it could attend other incidents.

The number of accidental non-domestic fires had decreased. In the aftermath of the Grenfell Tower fire, the Service had co-ordinated the national checks of high rise premises for similar cladding / fire safety concerns. The Service had worked as a taskforce with Local Authorities where such cladding had been found. Additionally, as part of the Site Specific Risk Inspection programme, inspections of high rise premises had been prioritised, with operational crews visiting from local fire stations along with a Fire Safety Officer and the responsible person for the premises, to develop a plan in preparation for if an incident was to occur.

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- **Response**

The Service Delivery Model was the Service's offer to the public, it was part of the brand which ensured public trust, allowing the Service to carry out its prevention and protection activities.

The number of incidents had declined but incidents would continue to happen. In the event that an incident did occur, the Service would need to respond rapidly in a safe, effective and assertive manner. This was backed up by the evidence of survivability in the event of a fire.

At a time when some Fire and Rescue Services were witnessing increases in attendance times, the Service's median response time to category one incident types was currently 4 minutes 41 seconds.

The Service was seeking to reduce response times further. The call handling arrangements for Fire Control had previously included a target of managing 90% of calls within 90 seconds. This target had been lowered to managing 90% of calls within 80 seconds (a target which had been met).

Work was also ongoing in other ways to reduce response times such as the introduction of the mobilising system Vision 4 and a pre-alert system which would notify crews that an emergency call was incoming (allowing firefighters to prepare to be mobilised e.g. halting activities such as training).

The new staffing model had proved to be effective and as a result, fleet availability was 99.28%, which supported response times.

In answer to Members' questions, the following points were raised:

- The Service believes in the installation of sprinkler systems wherever possible, including the retrofitting of such systems.

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- Crews were mobilised to falls response calls as part of a telecare package. In the majority of cases, the person who had fallen would activate a pendant which would alert the telecare team. A member of the telecare team would contact the person to ascertain the situation and the caller would judge if the person was hurt or not. The telecare team would notify Fire Control and a crew would then be mobilised accordingly.
- The Service was taking a pro-active approach to falls response, creating a referral pathway rather than waiting for individuals to suffer falls.
- Initiatives such as the falls response and Back Home Safe and Well visits were proving to be successful in supporting other services and reducing some of the pressures. The triage of calls had proved to be very effective. A good relationship and level of understanding had been developed between the Service and the Ambulance Service as part of this work.
- The Service had changed its approach to its road safety education activities to incorporate new technology including virtual reality, tailoring the content to the audience e.g. the use of such technology was often more appealing to young male drivers, who were a key target audience.
- Parking around schools, particularly at the start and end of the school day, was a good example of where education and enforcement join up, engineering solutions and encouraging behavioural change by explaining the impacts of behaviours / actions.

The meeting closed at 11:31 hours.

<p>Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>
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