

Minutes of the West Midlands Fire and Civil Defence Authority

19th April, 2004 at 11.00 a.m.
at the Fire Service Headquarters, Birmingham

Present: Councillor Hinton (Chair);
Councillor Kazi (Vice-Chair);
Councillors Byron, Davies, Eustace, Harper, Hartley,
Hogarth, Howard, Idrees, A. D. Johnson,
K.W. Johnson, King, Lawrence, Matchet, Mulhall, Pitt,
Ryder, Singh, Stone, Underhill and Wallace.

Apologies: Councillor Betteridge, Birbeck, Haque and Wild.

19/04 **Chair's Announcements**

Death of Councillor G J Patten and Employees of West Midlands Fire Service

The Chair reported with sadness on the recent deaths of Councillor Geoff Patten (Wolverhampton City Council) and the following employees of West Midlands Fire Service:-

Diane Birt (Cleaner at Walsall Fire Station);
Sue Oliver (Fire Control Officer);
Nick Aylett (Welfare Advisor).

The Authority stood in silent tribute as a token of respect to their memory.

Councillors Harper and K W Johnson

The Chair reported that Councillors G Harper (Birmingham City Council) and K. W. Johnson (Dudley Metropolitan Borough Council) would not be seeking re-election at the municipal elections in June, 2004. This would be their last meeting of the full Authority. The Chair paid tribute to the contributions of both Members and expressed thanks for their work in connection with the Authority over many years.

Demonstration Event – Walsall Fire Station

The Chair referred to the recent demonstration of chemical, biological, nuclear and radiological equipment held on 25th March, 2004 at Walsall Fire Station. The Authority expressed its appreciation for the dedication and professionalism of all officers involved in this work.

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Firefighters' Pay Award

The Chair gave an update on the progress of national negotiations regarding the firefighters' pay award.

Audit Commission Verification Process

The Chair gave an update on the outcome of the Audit Commission verification process and drew attention to the "green light" given to the Authority regarding progress made on the modernisation programme.

The Chair paid tribute to the efforts of Members and Officers involved in achieving this and their commitment to the modernisation programme within West Midlands Fire Service.

Fire at Former Hostel/Hotel – Hagley Road, Birmingham

Reference was made to a recent fire at a former hostel/hotel at Hagley Road, Birmingham. The Deputy Chief Fire Officer reported that a criminal prosecution was pending in respect of this case.

20/04 Minutes

Resolved that the minutes of the meeting held on 16th February, 2004 be confirmed as a correct record.

21/04 Business Plan Section of the Authority's Best Value Performance Plan

The Authority considered a report on the main business planning objectives in the Business Planning Section of the Best Value Performance Plan (BVPP) for 2004/2005.

The six main objectives identified by the Corporate Board as necessitating a main Business Planning objective were as follows:-

- Integrated Risk Management Plan – Implementation Phase
- Integrated Risk Management Plan – Audit of the Definition and Implementation Phases
- Integrated Personal Development System
- Our Fire and Rescue Service – Audit of the Regional Framework Objectives
- Health and Safety
- Cultural Change.

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All remaining objectives that had resulted from the ten year scanning process would be dealt with as Station/Section objectives within their action plans.

Resolved that the objectives in the Authority's Business Planning Section of the Best Value Performance Plan 2004/2005, as referred to above, be approved.

22/04

Corporate Risk Management Strategy

The Authority considered a report on the adoption of a corporate risk management strategy and an associated implementation plan.

The objective of the strategy was to introduce a service wide risk identification and management process, fully integrated within existing business planning, service improvement and performance management processes. This would assist West Midlands Fire Service to meet its objectives and to provide front line services. The adoption of a corporate risk management strategy and implementation plan would address a recommendation from external auditors and demonstrate the Authority's commitment to its corporate governance responsibilities.

Costs associated with the adoption and administration of the strategy and implementation plan would be met from within the Service Level Agreement with the Risk Management Services Unit at Sandwell Metropolitan Borough Council.

The Authority welcomed the report and requested that further consideration be given to associated training for elected Members.

Resolved that the corporate risk management strategy and the associated implementation plan be approved and adopted.

23/04

Health and Safety Policy

In accordance with the Health and Safety at Work, Etc. Act 1974, the Authority was required to produce a written health and safety policy and revise it as often as necessary. The Authority was advised that the policy had been reviewed by the Health and Safety Team and endorsed by the Corporate Board. The revised health and safety policy was submitted and noted by the Authority.

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24/04 **Appointment of Independent Chair to the Standards Committee**

With reference to Minute No. 3/04 of the Standards Committee, the Authority received a report on the requirement to advertise for an independent Chair of the Standards Committee in accordance with the Relevant Authorities (Standards Committee) Regulations 2001.

The term of office of the existing independent Chair (Mr M W Chambers) expired with the annual meeting of the Authority in 2004. The current Chair was, however, eligible to apply for re-appointment.

Resolved:-

- (1) that the Authority advertise for an independent Chair of the Standards Committee in accordance with the Relevant Authorities (Standards Committee) Regulations 2001;
- (2) that the Appointments Committee undertake the selection process and make a recommendation to the Authority on the appointment of the independent Chair with effect from the annual meeting of the Authority in July, 2004.

25/04 **Institution of Legal Proceedings**

The Authority was informed of the institution of legal proceedings in respect of the following, following consultation with the Chair and Vice-Chair:-

Bahra Metals Ltd., Wolverhampton for failure to comply with the Fire Precautions Act 1971 (as amended);

Round Croft Metal Finishings Ltd., Willenhall for failure to comply with the Fire Precautions (Workplace) Regulations 1997 (as amended).

26/04 **Minutes of the Executive Committee**

The minutes of the meetings held on 16th February, 1st and 22nd March, 2004 were noted.

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27/04 **Notes of the Policy Planning Forum**

The notes of the Policy Planning Forum held on 22nd March, 2004 were received.

28/04 **Exclusion of the Public and Press**

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

Minute No. 29/04 relates to a particular occupier or applicant for Authority accommodation;

Minute No 30/04 relates to advice in connection with legal proceedings/the determination of a matter affecting the Authority.

29/04 **Payment of Entitlements to a Former Tenant of the Authority**

The Authority considered the payment of home loss and disturbance compensation to a former tenant of the Authority (ANM). The former tenant had moved out of a property at Bloxwich Fire Station in October, 2003 in the light of the Private Finance Initiative proposals being considered by the Authority at that time.

The compensation costs could be met from existing budgets.

Resolved:-

- (1) that approval be given to the payment of home loss and disturbance entitlements to the former tenant as detailed in the report now submitted;
- (2) that authority be delegated to the Chief Fire Officer, in consultation with the Treasurer, to approve future applications for home loss, disturbance and compensation for improvements payments.

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30/04

Outcome of Disciplinary Appeal to the Secretary of State Under the Fire Service (Discipline) Regulations 1985

Further to Minute No. 49/04 of the Executive Committee, the Authority considered a report on the outcome of a disciplinary appeal to the Secretary of State under the provisions of the Fire Service (Discipline) Regulations 1985. The appeal had been made by a former employee (SG).

The Authority was informed of the legal advice received concerning the decision made by the Office of the Deputy Prime Minister. A further update on the advice from Counsel would be given at the Executive Committee on 28th April, 2004.

Resolved that subject to further legal advice from Counsel:-

- (1) in the light of the decision of the Secretary of State to uphold the disciplinary appeal by SG, and following legal advice received, the Authority commence judicial review proceedings against the decision of the Office of the Deputy Prime Minister (ODPM);
- (2) that a further report be submitted to the Executive Committee on 28th April, 2004.

(NB: Councillors Harper, K W Johnson, Matchet, Singh and Stone were Members of the Disciplinary Committee that had previously considered the appeal of SG. These Members left the meeting during consideration of this item and took no part in the discussion or voting).

31/04

Vote of Thanks

Resolved that the thanks of the Authority be afforded to the Chair for the manner in which he has conducted the business of the Authority during 2003/2004.

(Meeting ended at 12.03 p.m.)

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