

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

24 September, 2012 at 11.00 am
at the Fire Service Headquarters, Birmingham

Present: Councillors Aston, Singh Atwal, Auluck, Chambers, Clinton, Davies, Davis, Delaney, Douglas-Maul, Edwards, Eustace, Finnegan, Hogarth, Idrees, O'Neill, O'Reilly, Quinnen, Singh, Spence, Tranter, Walsh, Ward and Wright.

Apologies: Councillors Foster, Yardley and Young and Mr Ager.

72/12 **Declaration of Interests**

Councillors Edwards and O'Neill declared non-disclosable pecuniary interests in Minute No 79/12 below (Monitoring of Finances).

73/12 **Chair's and Chief Fire Officer's Announcements**

The Chair reported that the Chief Fire Officer had now taken up his role as President of the Chief Fire Officers' Association for a twelve month period. The Authority congratulated Mr Randeniya on formally taking up this office.

The Chair also reported that David Walton, Acting Assistant Chief Fire Officer, had been appointed as an Assistant Chief Fire Officer with the West Yorkshire Fire Service. Mr Walton had joined the West Midlands Fire Service at the age of 18. Members congratulated Mr Walton on his success.

The Chair reported that he and Councillor Foster had been appointed to serve on the Local Government Association Fire Service Management Committee and that this would be a useful platform for both the Authority and the metropolitan fire services.

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The Chair reported that Brandon Lewis MP had been appointed as Fire Minister following the recent Cabinet reshuffle and that every opportunity would be taken to lobby the Minister on behalf of the metropolitan fire authorities. He also reported that Eric Pickles MP would be visiting Safeside on 7 October and this would be another opportunity to lobby on funding.

The Chief Fire Officer reported that the lobbying document prepared by the Association of Metropolitan Fire and Rescue Authorities had recently been quoted in the national broadsheets. The Authority had also received publicity in the recent BBC Panorama programme.

The Chief Fire Officer indicated that the West Midlands Chief Ambulance Officer, Anthony Marsh, had been appointed Chair of his professional association, the Association of Ambulance Chief Executives, for this year and there would be many opportunities for joint working.

The Chief Fire Officer reported that there was currently a national severe weather warning, and members were briefed on the preparations that had been made in response to the warning, although only minor incidents had as yet occurred.

The Chief Fire Officer also reported on the success of the service in retaining the Investors in People Award.

74/12 Aniko Ingham

Members made reference to the impending retirement of Aniko Ingham, Administration Manager, from the service of the Authority. Members referred to her helpful and competent approach and asked for their thanks to be conveyed to Aniko for her service to the Authority and wishing her well in her retirement.

75/12 Minutes

Resolved that the minutes of the meeting held on 25 June, 2012, be confirmed as a correct record.

76/12 **New Standards Framework**

The Clerk reported that the Authority had on 25 June, 2012, appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code. With regard to the independent persons who had to be consulted by the Authority on standards matters, the Authority had decided that the independent persons appointed by Sandwell Council would also be used by this Authority.

Sandwell Council at its meeting on 31 July, 2012, had appointed Mr John Clothier, Mrs Rosemary Tyler and Mr Frederick Bell as independent persons in pursuance of Section 28 of the Localism Act 2011, and members were asked to approve their formal appointment as independent persons for the Authority.

The Authority's Member Code of Conduct set out the arrangements for the declaration of interests at meetings by members and co-opted members and indicated that a member must not participate in any discussion of a matter in which the member had a disclosable pecuniary interest. Section 31(10) of the Localism Act 2011 stated that the standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting in these circumstances. A revised standing order to include this provision was submitted for consideration. It was also necessary to amend the standing order relating to quorum as there was no longer a legal requirement as to the quorum of standards committees.

Reference was made to the retiring independent members of the Standards Committee. Members were informed that they would continue to be invited to meetings of the Standards Committee as observers.

Resolved:

- (1) that the following persons be appointed as independent persons in pursuance of Section 28 of the Localism Act, 2011 for the terms of office indicated:

	<u>Term of office</u>
Mr John Clothier	30 June 2013
Mrs Rosemary Tyler	30 June 2013

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Mr Frederick Bell

30 June 2014

- (2) that revised standing orders 14 and 25 be approved as set out in Appendix 1 hereto.
- (3) that a letter be sent to Mr Topliss and Mr Denny thanking them for their service as independent members of the Standards Committee.

77/12 Annual Governance Report 2011/12

The Annual Governance Report for 2011/12 prepared by the Authority's external auditors, the Audit Commission, was presented for consideration. The report outlined the audit work undertaken by the Audit Commission during the year and included an Action Plan. The Audit Commission intended to issue an unqualified opinion on the Authority's financial statements and an unqualified value for money conclusion which would state that the Authority had proper arrangements in place to secure financial resilience and for challenging how it secured economy, efficiency and effectiveness. The Authority was asked to approve a Letter of Representation to be sent to the external auditor, who would then issue a final opinion and conclusion on the accounts.

Resolved:

- (1) that the Annual Governance Report 2011/12 be noted and that the response to the proposed Action Plan be agreed;
- (2) that the contents of the Letter of Representation be approved.

78/12 Statement of Accounts 2011/12

A summary of the Authority's Statement of Accounts for the financial year ended 31 March 2012 was submitted for consideration and noted. The full Statement of Accounts was available for inspection on the Authority's website and members had been given the opportunity to refer to the full statement in advance of the meeting.

Resolved that the Statement of Accounts for 2011/12 be approved.

79/12 **Monitoring of Finances**

The Authority noted a report on the monitoring of finances to the end of August 2012.

80/12 **Equality and Diversity Report and Objectives 2012/15**

The Equality and Diversity Report and Objectives for 2012/15 were presented for consideration. The report demonstrated the Authority's compliance with the general equality duty under the Equality Act 2010, and gave details of work done to promote equality and diversity within the Service and the community. The report also outlined the challenges and successes in bringing about improvements with regard to each of the protected characteristics. The inclusion agenda was a vital concept at a time of efficiency savings and a recruitment freeze. The Service had committed to perform at the 'excellence' level of the Fire and Rescue Service Equality Framework in five key areas: accountability; leadership and promoting inclusion; effective service delivery and community engagement; employment and training; and evaluation and sharing good practice. The report outlined a number of key high level objectives to enable the Service to progress with equality and diversity.

The report had been considered by the Executive Committee and the Scrutiny Committee and was now recommended for approval. The Scrutiny Committee would continue to monitor and review progress on the implementation of the equality objectives and provide regular reports to the Authority.

A member proposed that managers should report to the Scrutiny Committee on steps they were taking to change the culture of the organisation as it was still not representative of the local community. It was acknowledged that the Fire Service needed to become more inclusive but the Authority had made good progress with this against a backdrop of no recruitment. It was hoped that the Scrutiny Committee would look at promotion policies where opportunities for change might also be found. There was evidence in the Equality and Diversity Report of positive steps taken by the Service over the last

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two years. The percentage of women and minority ethnic people employed had increased from a low baseline. There was an emphasis on positive action, developing existing employees and making opportunities for progression.

Resolved that the Equality and Diversity Report and Objectives for 2012/15 be approved.

81/12 Fire and Rescue National Framework for England

The Chief Fire Officer reported that the revised Fire and National Framework for England had been published on 11 July, 2012, and set out the Government's expectations of fire and rescue authorities. Details of changes to the framework following the consultation period were outlined. The framework set out an overall strategic direction but placed more emphasis on local accountability. Work was being carried out to ensure that the requirements of the revised Framework were being met fully and a further report would be brought to members in due course.

82/12 Result of Recent Fire Safety Prosecutions

The Chief Fire Officer reported that a successful prosecution had been brought under the Regulatory Reform (Fire Safety) Order 2005 against All Saints Retail Ltd in respect of premises at 720/721 Upper Mall East, Bull Ring Shopping Centre, Birmingham, following a number of warnings. The company was fined £7,500 in respect of three charges under the Regulations plus costs. The premises would continue to be kept under review.

83/12 Investors in People Standard

The Chief Fire Officer reported that the West Midlands Fire Service had been successful in achieving the Investor in People standard. The assessment of the organisation identified a number of key strengths and a number of areas where improvements could be made to demonstrate improvement and commitment to employee and organisational development. Areas for improvement would be included in existing action plans with responsibility allocated to relevant directors. Progress would be monitored and reported regularly to the Scrutiny Committee.

84/12 **Annual Report 2011/12**

The Authority noted the Annual Report for 2011/12 which outlined the performance of the Service over the year against performance targets, and outcomes against the following key priority areas: Communities and Partnerships; Response; People; and Value for Money.

85/12 **Operational Assessment – Peer Challenge Report**

The Chief Fire Officer reported on feedback from the recent Operational Assessment (OPA) process. OPA comprised self assessment against seven key criteria supported by an external peer challenge and was designed to assess how well the Service led, prioritised and delivered its prevention, protection and response activities. The Peer Challenge Team's report had now been received which provided a positive commentary on the Service's performance. The report also identified a number of areas for improvement which would be the subject of a report to the Scrutiny Committee on 5 November, 2012, and which would also be incorporated into existing performance management frameworks for action and monitoring. The Scrutiny Committee would regularly monitor progress on improvement.

Reference was made to the suggestion from the Peer Challenge Team that the Authority should reconsider its approach to regional collaboration. The Chief Fire Officer indicated that opportunities to work with authorities within the region would continue to be sought but the revised National Framework enabled fire authorities to look for wider opportunities to collaborate, for example, with other metropolitan fire authorities.

86/12 **Business Rates Retention – Technical Consultation**

The Authority was informed that the Department of Communities and Local Government had issued a consultation document on proposals to allow local authorities to retain part of their business rate revenues to provide an incentive for economic growth. Two of the consultation questions related specifically to fire and rescue authorities. The Government intended to introduce a Business Rates Retention Scheme from April 2013 and had issued a further

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consultation on a range of technical issues about the transition from the current formula grant system to the new scheme.

The Association of Metropolitan Fire Authorities intended to submit a composite response in addition to the responses from individual fire authorities.

Draft responses to the consultations were submitted for consideration.

Resolved:

- (1) that the draft responses be approved and that the Chair, in conjunction with the Director of Resources, be authorised to make any necessary amendments to align the responses with the submission made by the Association of Metropolitan Fire Authorities;
- (2) that the final response on the primary consultation be sent to all members of the Authority.

87/12 Annual Report of the Audit Committee 2011/12

The Chair of the Audit Committee presented the annual report of the Committee for 2011/12.

Resolved that the annual report be received.

88/12 Halesowen/Cradley Fire Station

Further to Minute No 70/12, the Chief Fire Officer submitted a report with regard to the new fire station to serve the communities of Cradley Heath and Halesowen. The preferred site for the new station was at Barrs Road, Cradley Heath [Site 3], and plans had been circulated to members showing the proposed design. Public meetings had been held in the locality and comments from those meetings had been incorporated into the design. Once the design was approved planning permission would be sought. If this was successful the purchase of the land would be progressed and it was anticipated that building work could commence in March 2013 and that the station could be operational from early 2014.

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Resolved that the design of the new fire station be approved.

89/12 Minutes of the Audit Committee

The minutes of the meeting held on 10 September, 2012, were received.

90/12 Minutes of the Appeals Committee

The minutes of the meeting held on 3 September, 2012, were received.

91/12 Minutes of the Executive Committee

The minutes of the meetings held on 23 July and 10 September, 2012, were received.

92/12 Minutes of the Scrutiny Committee

The minutes of the meeting held on 10 September, 2012 were received.

93/12 Notes of the Policy Planning Forum

The notes of the meeting held on 23 July and 10 September, 2012, were received.

94/12 Exclusion of the Public and Press

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Part I of Schedule 12A to the Local Government Act, 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to the financial or business affairs of any particular person (including the authority holding that information); any action taken or to be taken in connection with the prevention, investigation or

prosecution of crime; and any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under the Authority.

95/12 **Review of Allowances and Expenses**

Further to Minute No 45/12, the Chief Fire Officer reported that the Authority at its meeting on 16 April, 2012, had approved proposals to revise and/or remove a number of allowances and expenses paid to employees of the Service. Consultation had been carried out with trades unions and representative bodies about the implementation of these changes.

A failure to agree had been registered by the Fire Brigades Union [FBU] in respect of the proposal to cap car mileage rates at 45p per mile. This had been considered by the Joint Consultative Panel on 13 September, 2012. The FBU had agreed at that meeting to withdraw the failure to agree on the basis that the Service would carry out a statutory consultation on the proposal. It had therefore not been possible to implement this proposal with effect from 1 October 2012 as proposed. It was anticipated that the proposal could be implemented with effect from 1 April 2013.

It had been possible to reach agreement with the majority of employees concerned on the various proposals approved by the Authority, some of which were not contractual matters. It was now proposed to commence a statutory 90-day consultation with the trades unions and representative bodies on proposals affecting contracts of employment, whilst continuing negotiation with individual employees.

It was also proposed to include two further issues as part of the statutory consultation. The first was an anomaly with regard to concessionary days around public holidays. New contracts provided for the conversion of concessionary days to annual leave and it was proposed to extend this arrangement to all grey and green book employees. The second was an anomaly in the number of hours worked per week by green book employees, some of whom worked 36.5 hours. It was proposed to move to a 37 hour working week for all green book employees.

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The Authority was advised that if it was not possible to reach local agreement with the trade unions/representative bodies, or agreement for a consensual variation of contract with individual employees, it would be necessary in order to implement the proposals for contracts to be terminated with due notice and re-engagement offered on revised terms. The employer's side of the Joint Consultative Panel at its meeting on 13 September, 2012, had recommended this course of action to the Authority.

Work was ongoing on the Authority's proposal that savings could be achieved by providing leased vehicles to essential car users who undertook high business mileage.

Members expressed concern about the impact on the morale and the financial position of low-paid workers of the proposal to move to a 37 hour week for all green book employees.

Resolved:

- (1) that the commencement of a statutory consultation process in order to bring about the implementation of the decisions set out in Minute No 45/12 with regard to the removal of payments for home to work/work to home mileage and the capping of car mileage payments at the HMRC rate of 45 p per mile be approved;
- (2) that the commencement of a statutory consultation process in order to bring about the removal of extra statutory and concessional public holidays be approved;
- (3) that the commencement of a statutory consultation process with regard to the proposed implementation of a 37-hour working week for green book employees be approved and that a report be submitted for consideration by the Joint Consultative Panel on the outcome of the consultation before any further action is taken to implement this proposal;
- (4) that the process of termination of contract and re-engagement of revised terms to bring about the full implementation of the cessation of essential telephone allowances be approved;

- (5) that following completion of an ongoing review of essential car user status, the process of termination of contract and re-engagement on revised terms to bring about the full implementation of the removal of essential car user status for specifically identified employees be approved.

96/12 **Action of the Chair and Vice Chair**

The Chief Fire Officer and Clerk and Monitoring Officer reported on action taken by the Chair and Vice Chair to authorise the instigation of legal proceedings for failure to comply with the Regulatory Reform (Fire Safety) Order 2005.

97/12 **Insurance**

The Treasurer and Chief Fire Officer reported that the Authority's external insurance arrangements were due for renewal on 1 October 2012. All policies had been reviewed by the Authority's specialist insurance broker and a schedule of recommendations for renewal was submitted including an update on the fidelity guarantee insurance.

Resolved that the insurance arrangements for the period commencing October 2012, as set out in the Appendix now submitted, as amended at the meeting, be approved.

98/12 **Contract Awards Summary for the period 1 April to 30 September 2012**

The Chief Fire Officer submitted a list of contracts in excess of £100,000 awarded since 1 April 2012.

99/12 **Administrative Review**

The Chief Fire Officer reported that a review of administration services had been carried out as part of the Building upon Success programme. The review had found that a more flexible approach was required which would better support service delivery and that making

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best use of technology would enable more efficient and effective processes and would remove duplication and inconsistency. The review had engaged affected employees and trade unions. A proposed structure based on three teams: administration; people support; and operations/protection, was submitted for consideration. Savings of at least £520,000 would accrue from the proposals.

It was proposed to instigate a voluntary redundancy trawl as the first stage of the process. It was also proposed to extend this trawl to other support services including station cooks and cleaning personnel. An equality impact assessment indicated that the majority of administrative employees were female and many were part-time. The areas recommended for the targeted voluntary redundancy trawl comprised mainly female employees.

A management review was also to be carried out which might impact on the proposed structure. This review was due to be reported to the Authority in February 2013. Members indicated that they wished to be involved with the direction of this review.

Members expressed some concerns about the effect of the proposals on the number of female staff employed but it was pointed out that firefighter numbers were reducing year on year and that these were mostly male employees.

Resolved:

- (1) that the proposals now reported for a revised approach to the provision of administration be approved;
- (2) that the commencement of a targeted voluntary redundancy trawl to mitigate the need for compulsory redundancies within support services be approved;
- (3) that the Chief Fire Officer provide a briefing for the Chair on the process and proposals for the forthcoming management review.

(Meeting ended at 12.55 pm)

<p><i>Contact Officer: Georgina Wythes Democratic Services Unit Sandwell MBC 0121-569-3791</i></p>
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