

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

26th June 2006 at 11.30 am
at the Fire Service Headquarters, Birmingham

Present: Councillors Alden, Birbeck, Bowen, Coughlan, G Davies, Eustace, Foster, Gazey, Hinton, Hogarth, Howard, Hussain, Idrees, Jackson, Jones, Mulhall, Pitt, Rogers, Ross, Ryder, Singh, Spence, Stevenson, Tagger and Ward;
Mr Topliss.

Apologies: Councillors S Davis and Douglas-Maul.

25/06 **Election of Chair**

Resolved that Councillor Hinton be elected Chair of the Authority for the period ending with the Annual Meeting of the Authority in 2007.

26/06 **Election of Vice-Chair**

Resolved that Councillor Hogarth be elected Vice-Chair of the Authority for the period ending with the Annual Meeting of the Authority in 2007.

27/06 **Declaration of Interests**

Councillor Hogarth declared a personal interest in Minute No. 51/06 below (Proposed Partnership with St. John Ambulance to Refurbish the Garages Located at Sutton Coldfield Fire Station to Provide a Lecture/Training Facility and the Interim Letting of Station Facilities).

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28/06 Chair's Announcements

Deputy Chief Fire Officer/Director of Community Protection

The Chair and Members congratulated Vijith Randeniya, DCFO, Director of Community Protection, on the award of the O.B.E. in the Queen's Birthday Honours List.

Former Chief Fire Officer

The Authority noted that the Brigade's former Chief Fire Officer, Kenneth Knight, now the Commissioner of the London Fire Brigade, had been awarded a Knighthood in the Queen's Birthday Honours List.

Retirement of Assistant Chief Fire Officer/Performance and Planning

The Chair reported that Mick Park, ACFO Performance and Planning would be retiring from the Service on Friday 30th June 2006. The Chief Fire Officer presented Mr Park with a certificate of long service and joined Members in wishing him well for a long and happy retirement.

Ministerial Visit

The Authority noted that Angela Smith, Minister for the Fire Service, would be attending Fallings Park Fire Station on 5th July 2006 for a presentation on the work of the Regional Management Board. Following that she would be attending the ground-breaking ceremony at the site of the new Fire Regional Control Centre in Wolverhampton Business Park.

Dates for Diaries

Members were asked to note the following forthcoming events:

- A special meeting of the Policy Planning Forum - 3rd July 2006
- Members' induction session - 10th July 2006
- Parliamentary Visit 15th November 2006, to include Regional Chairs and Chief Fire Officers
- Schools Final Quiz - West Bromwich Albion Football Ground - 18th July 2006

29/06 Minutes

Resolved that the minutes of the meeting held on 24th April, 2006 be confirmed as a correct record.

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30/06 Membership of the Authority 2006/2007

The Clerk reported on the membership of the Authority for 2006/2007.

31/06 Questions on Discharge of Functions

Resolved that the following members be nominated under Section 41 of the Local Government Act 1985 to answer questions put in the course of proceedings of constituent Councils on the discharge of the Authority's functions:-

	<u>Lead Councillor</u>	<u>Substitute Councillor</u>
Birmingham	Howard	Eustace
Coventry	Foster	Gazey
Dudley	Ryder	
Sandwell	Hinton	
Solihull	Hogarth	
Walsall	Pitt	Douglas-Maul
Wolverhampton	Singh	Bowen

32/06 Constitution of Committees and Panels, Terms of Reference and Member Portfolios 2006/2007

The Authority considered a report on the constitution of committees and panels, their terms of reference and Member portfolios for 2006/2007, together with a calendar of meetings, and the existing Members' Allowances Scheme.

It was reported that the Fire Service (Discipline) Regulations 1985 had been revoked and revised disciplinary rules had been approved by the Authority. It was therefore recommended that the Disciplinary Committee be formally disestablished.

Discussions were also ongoing with the Authority's Auditors, KPMG, as to further possible refinements of governance arrangements with regard to audit and scrutiny functions. Amendments were proposed to the terms of reference of the Executive Committee to clarify responsibility for audit functions. Further reports would be submitted in due course as necessary.

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Some changes to the portfolio for the Lead Member for Performance Management were proposed to clarify the responsibilities of the postholder with regard to Comprehensive Performance Assessment and performance management and measurement.

Resolved:-

- (1) that the constitution and terms of reference of committees and panels for 2006/2007, as set out in Appendix 1, be approved;
- (2) that the Member portfolios set out in Appendix 2 be approved;
- (3) that the Disciplinary Committee be formally dis-established;
- (4) that the calendar of meetings for 2006/2007 set out in Appendix 3 be approved;
- (5) that the application of the existing Members' Allowances Scheme, as set out in Appendix 4, be re-affirmed for 2006/2007;
- (6) that the process for uplifting Members' allowances be examined.

33/06 Political Balance and Membership of Committees 2006/2007

The Authority considered the constitution and political balance of Committees and the assignment of members for 2006/2007.

Resolved:-

- (1) that the constitution and political balance of the Committees and Advisory Bodies established under Minute No. 32/06 for the period ending with the Annual Meeting of the Authority in 2007 be as set out in Appendix 5;
- (2) that Members and substitute Members be appointed to Committees and Advisory Bodies for the period ending with the Annual Meeting of the Authority in 2007 as

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indicated in Appendix 6;

- (3) that Authority employees be appointed to serve on the Joint Consultative Panel with voting rights;
- (4) that the Chairs and Vice-Chairs of Committees and the Principal Elected Member [and Deputy] on the Joint Consultative Panel be as indicated in Appendix 6;
- (5) that Members be appointed as the Lead and Deputy Lead Members as indicated in Appendix 6.

34/06 Appointment of Representatives to Serve on Other Bodies

The Authority considered the appointment of representatives to serve on other bodies during 2006/2007.

The Authority was informed that appointments had been made in previous years to the West Midlands Joint Committee's Community Safety Sub-Committee. Notification had been received that this Sub-Committee had now been disestablished.

Resolved:-

- (1) that the Chair and Vice-Chair (Councillors Hinton and Hogarth) and Councillor Eustace (or their substitutes) be appointed to serve on the West Midlands Regional Management Board for the period ending with the Annual Meeting of the Authority in 2007;
- (2) that the Chair and Vice-Chair (Councillors Hinton and Hogarth), Councillors Eustace and Howard (or their nominees) be appointed to serve on the Local Government Association General Assembly for the period ending with the Annual Meeting of the Authority in 2007;
- (3) that the Chair (Councillor Hinton) (or his nominee) be authorised to exercise the Authority's Corporate Vote at the Local Government Association General Assembly and that the Authority's General Assembly votes be as previously allocated;
- (4) that the Chair (Councillor Hinton), Vice-Chair

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(Councillor Hogarth) and Councillor Eustace (or their nominees) be appointed to serve on the Local Government Association Fire Service Forum for the period ending with the annual meeting of the Authority in 2007;

- (5) that Councillor S Davis and the Chief Fire Officer (or their nominees) be appointed to serve on the Local Government Association Urban Commission for the period ending with the Annual Meeting of the Authority in 2007;

- (6) that the following nominations be made in respect of the West Midlands Local Government Association for the period ending with the Annual Meeting of the Authority in 2007:-

Association - Observer Member

Chair of the Authority - Councillor Hinton (substitute: Councillor Idrees);

Provincial Council

Councillor Singh (substitute: Councillor Spence);

- (7) that Councillor Ryder (or his nominee) be appointed as an observer member to attend meetings of the Black Country Consortium on behalf of the Authority for the period ending with the Annual Meeting of the Authority in 2007.

35/06 **Delegations to Chief Officers**

The Authority considered the list of the powers delegated to Chief and Statutory Officers.

Resolved that the list of powers delegated to the Authority's Chief and Statutory Officers, as set out in Appendix 7, be approved.

36/06 **Internal Audit Report**

The Treasurer submitted the Annual Internal Audit Report, which summarised the results of the audits of the financial affairs of the

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Authority for the year ended 31st March 2006. The Authority noted the report and the action taken.

37/06 **Statement on the System of Internal Control for 2005/2006**

The Authority was asked to approve a statement on the System of Internal Control (SIC).

All Fire and Rescue Authorities were required to submit a SIC with their statement of accounts. The SIC was based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives; to evaluate the likelihood of those risks being realised and the impact should they be realized; and to manage them efficiently, effectively and economically.

The SIC was designed to manage risk to a reasonable level rather than to eliminate all risk of failure. It therefore only provided reasonable and not absolute assurance of effectiveness.

The SIC had operated throughout the year ended 31st March 2006 and up to the date of the approval of the annual report and accounts.

The Statement would be signed by the Chair of the Authority and the Treasurer, who had a responsibility to ensure that the document was supported by reliable evidence and accurately reflected the Authority's internal control environment.

Resolved that the Authority's Statement on the System of Internal Control be approved, as now submitted.

38/06 **Statement of Accounts**

The Authority was asked to approve its Statement of Accounts for the financial year ended 31st March 2006.

The accounts showed a net cost of services in 2005/2006 of £117.706 million and general balances had increased by £30,000.

The accounts had yet to be audited, and any material changes required by the Authority's external auditors would be notified to the Authority.

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In response to a question, the Treasurer reported that from 1st April 2006 there had been a change in the funding arrangements for the Firefighters' Pension Scheme. She undertook to discuss with the external auditors whether a footnote explaining the change in the funding arrangements for pensions was required in the Statement of Accounts.

Resolved that the Statement of Accounts for the financial year ended 31st March 2006 be approved.

39/06 **Backward Looking Annual Efficiency Statement**

The Authority received its backward looking Annual Efficiency Statement for 2005/2006. The Statement identified a cumulative efficiency saving of £4.4 million, of which around £2.5 million was achieved in-year.

Resolved that the Authority's 2005/2006 backward looking Annual Efficiency Statement be approved, as now submitted.

40/06 **Monitoring of Finances**

The Authority noted a report on the monitoring of finances up to the end of May, 2006.

41/06 **Analysis of Ethnic Origin of Staff Working in the West Midlands Fire Service**

The Authority noted a report on the ethnic origin of all staff employed by the West Midlands Fire Service.

42/06 **Institution of Legal Proceedings**

The Authority noted that the Authority had instigated legal proceedings against the under-mentioned premises for failure to comply with the Fire Precautions (Workplace) regulations 1997 (as amended):

8PM Chemists, 61 Wolverhampton Road, Willenhall
Mueller Europe Ltd, Oxford Street, Bilston
Dixons Warehouse, Town Gate Retail Park, New Birmingham Road,

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Dudley.

43/06 **Outcome of Litigation Proceedings against the Authority by AP (UK) Ltd, Wolverhampton**

Further to Minute No. 78/05, the Authority noted that the case brought against the Authority by AP (UK) Ltd was now closed. Following a hearing at the High Court on 14th November 2005, the Company's claim had been struck out on the grounds that the proceedings initiated were an abuse of process. The claimant was also ordered to pay costs. The claimant had been given until 28th April 2006 to appeal but had not done so, and the case was therefore finally closed.

44/06 **Outstanding Business**

The Authority received an update on items of business that were outstanding and an indication of when the items would be coming forward for consideration.

45/06 **Minutes of the Executive Committee**

The minutes of the meetings held on 10th and 22nd May, and 12th June, 2006 were received.

46/06 **Notes of the Policy Planning Forum**

The notes of the meetings held on 22nd May, and 12th June, 2006 were received.

47/06 **West Midlands Regional Management Board**

The minutes of the meeting held on 5th June 2006 were presented.

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

48/06 **Exclusion of the Public and Press**

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Resolved that the public and press be excluded from the rest of the meeting. This is 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 for the following reasons:-

Minute Nos. 49/06 and 51/06 relating to the financial or business affairs of any particular person (including the authority holding that information);

Minute No. 50/06 relating to any individual.

49/06 **Disposal of Former Fire Station, Tower Street, Dudley**

Further to Minute No. 6/04 of the Executive Committee (12th January 2004), the Authority was informed that a formal offer had been received from Trigram Properties Ltd to purchase the former fire station located in Tower Street, Dudley, for the purpose of residential development, subject to planning consent from Dudley MBC. The Company would make an immediate initial payment to the Authority, and a further payment on the granting of implementable planning consent for 22 flats and parking. An enhancement fee would be payable if the Company's ongoing appeal in respect of planning consent for development of the site was successful and allowed a greater number of flats to be developed on the site.

Resolved:-

- (1) that, subject to contract, approval be given to the sale of the former Fire Station located in Tower Street, Dudley, to Trigram Properties Limited for the total sum of £300,000, £150,000 payable immediately and the balance on the grant of implementable planning consent; or if implementable planning consent has not been achieved, within a period of five years from the date of initial transfer to the company; with an additional enhancement fee of £5,000 per unit being payable to the Authority if the planning consent achieved is enhanced in any way;
- (2) that a legal charge be placed on the property to protect the Authority's interests until the final payment of the

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balance of the purchase price and any enhancement fee is paid by the Company.

50/06 **Supply Chain Modernisation – Progress Report**

Further to Minute No. 50/05 of the Executive Committee (25th July, 2005) the Authority noted the progress made implementing the changes to the supply chain structure against the indicative timescales outlined to the Authority at its meeting on 27th September 2004.

Overall the plan had been completed to target, although new transportation patterns resulting from the revised shift system and the delay in implementing the proposed integrated back office would impact on some of the planned staff redeployments.

51/06 **Proposed Partnership with St. John Ambulance to refurbish garages located at Sutton Coldfield Fire Station to provide a Lecture/Training Facility and the interim letting of Station facilities**

The Authority was informed that an approach had been made by St John Ambulance (St JA) to hire facilities at Sutton Coldfield Fire Station to enable them to continue with their weekly meetings and training sessions in the locality following the redevelopment of their current premises.

In addition, St. JA had also indicated that they wished to explore the possibility of entering into a partnership with the Authority to refurbish the garages located at the extremity of the fire station to provide both a dedicated lecture/teaching facility for St. JA and a resource that would be able to be shared by the Fire Service.

St. JA had indicated that they would be able to provide funds to carry out a feasibility study to assess their proposals, and should the project be viable, could provide significant capital funding. In exchange for this commitment a formal legal contract setting out the terms and conditions of the arrangement would need to be drawn up between both parties.

Resolved:-

- (1) that approval be given for the Chief Fire Officer to enter into detailed negotiations with St. John Ambulance with a view to entering into a joint venture to refurbish the existing

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garage facilities located at Sutton Coldfield Fire Station to provide a lecture/training facility that could be shared by both partners;

- (2) that, subject to (1) above, approval be given for the Authority to accept funding from St. John Ambulance to undertake a feasibility study into the proposed joint venture, and that a further report be submitted to the Authority on the outcome of the negotiations and the feasibility study;
- (3) that approval be given for a short term letting arrangement, in accordance with the Lettings Policy for the Use of Authority Premises (Standing Order 1/18), to enable St. John Ambulance to use the existing station lecture room and associated facilities at Sutton Coldfield Fire Station on an interim basis.

(Meeting ended at 12.15 pm)

<p><i>Contact Officer: Stephnie Hancock Democratic Services Unit Sandwell MBC 0121-569 3189</i></p>
