

West Midlands Fire and Rescue Authority

26 June 2023 at 1100 hours

Conducted as a public meeting at Headquarters and digitally via
Microsoft Teams

Present: Councillor Brackenridge (Chair),
Councillor Miks (Vice Chair),
Councillor Atwal, Councillor Barrie, Councillor Dehar,
Councillor Hogarth, Councillor Kaur, Councillor Kettle,
Councillor Jalil, Councillor Lloyd, Councillor Mahmood,
Councillor Little, Councillor Waters, Sasha Hitchins - Fire
Brigade's Union.

Virtual: Professor S Brake, Co-opted member, Mike Ager –
Independent Member, Wasim Ali – APCC, Paul Gwynn –
Unison, Darran Gough - Fire Officers Association, Dave
Brown - Co-opted member.

01/23 To elect the Chair of the Authority for the ensuing year

Councillor Dehar nominated Councillor Brackenridge to be re-elected as Chair of the Authority for the ensuing year.
Councillor Jalil seconded.

Resolved:

1. That it be agreed that Councillor Brackenridge be re-elected as Chair of the Authority for the ensuing year.

02/23 To elect the Vice-Chair of the authority for the ensuing year

The Chair of the Authority nominated Councillor Miks to be the Vice-Chair of the authority for the ensuing year. Councillor Mahmood seconded.

Resolved:

1. That it be agreed that Councillor Miks be elected as the Vice-Chair of the Authority for the ensuing year.

03/23 To receive Apologies for Absence

Apologies were received from Councillor Sybil Spence and Councillor Chris Bott.

04/23 Declarations of Interest

The Chair and Councillor Little declared a personal non-pecuniary interest due to being a member of the Firefighters' Pension Scheme(s). Councillor Hogarth declared a non-pecuniary interest due to a local government pension.

05/23 Chairs Announcements

The Chair welcomed all attendees to the meeting of the full Fire Authority. The Chair reminded all members, special observers, and officers to be mindful of any pecuniary and/or conflicts of interest. It was vital that Members and Co-opted Members are clear on any declarations they feel appropriate to make. Equally, the principle of conflicts of interest applied to officers presenting reports or anyone contributing to the discussion so members of the public watching or reading the minutes are assured that the Authority and Brigade were operating with transparency and good governance in mind. The following questions were asked:

- Do any Members or Co-optees have any interests to declare?
- Do any officers or Special Observers have any interests to declare on any items on the agenda?

None were received.

The Chair gave a special thanks to departing members, Cllrs Iqbal, Hussain, Young and Miller. Their commitment to the work of the Authority was acknowledged. Letters of thanks were sent to them for their contributions. A special welcome was given to the four new members joining the authority: Cllrs Bott, Kaur, Mahmood and Little.

The Chair confirmed, that as per agenda item 11 on the agenda pack, the following nominations to be agreed were:

- Local Government Association General Assembly – nominees will be Chair, Vice-Chair, Leader of the Opposition and Councillor Parbinder Kaur (or their substitutes).
- Fire Service Commission – nominees will be Chair, Vice-Chair and Cllr Vera Waters (or their substitutes).
- West Midlands Road Safety Partnership – nominee will be Cllr Gurdial Singh Atwal.

The Chair thanked Mike Griffiths, Treasurer to the Authority, for his commitment and work conducted over the years and wished him all the best in his retirement. Members echoed these comments.

The Chair advised that the Democratic Services Officer had been expecting her first child and would be going on maternity leave at the end of July 2023. The governance team were in the process of appointing maternity cover and the successful candidate would be introduced to the Authority as soon as possible.

The Chair advised that on 8 May 2023 West Midlands Fire Service learned the extremely sad news that Station Manager Simon Wheatley had died suddenly. Simon first joined the service in May 1999 and had served in various roles across the service, including at Ward End, West Bromwich, Training Centre, Smethwick, Tipton, Wolverhampton and most recently as Station Manager at Haden Cross since December 2021. He received his Long Service and Good Conduct Medal in 2022. Many people, across several West Midlands communities, were today safer thanks to his 24 years of service. The funeral service for SM Wheatley would take place at Sandwell Crematorium on Wednesday 28 June 2023 at 12.15pm. Many members of the Authority and the service would be in attendance to pay respects.

As a mark of respect, all WMFS sites would be asked to remove the Pride flag and replace with the Union flag at half-mast at 08:00 hours on the day of the funeral (28th June) removing the Union flag and replacing it with the Pride flag to full mast at sunset that evening.

The Chair advised of the sad news regarding Crew Manager Iain Hughes, who went missing during a cross-channel swim for charity on Tuesday 20 June.

06/23 Chief Fire Officer's Announcements

The Chief Fire Officer (CFO) welcomed all attendees to the meeting with a special welcome to the new members of the Authority.

The CFO provided an up to date overview of the situation with Iain Hughes. He advised that Iain was based at Wednesbury Fire Station and planned a cross-channel swim for charity from Dover to France. Sadly, during the swim he went missing. Once alerted of his disappearance, the incident room was stood up at HQ. The family returned home on Wednesday following the French Coast Guard calling off the search, and Iain has been officially recorded as missing. The service released a press release with assistance from Acting DCFO Simon Barry following this. Iain wished to raise £21,000 for charity, the service pulled into action and did numerous car washes over the weekend to help raise the funds. The current total raised had been £52,000. The service had been providing support to the family and the CFO would be visiting them next week to offer his condolences.

A minute silence in memory of SM Simon Wheatley and in solidarity with the family of CM Iain Hughes was held.

07/23 Minutes of the Fire and Rescue Authority held on 13 February 2023

Resolved:

1. That the minutes of the Fire Authority meeting held on 13 February 2023 be approved as a correct record.

08/23 Membership of the Authority

Resolved:

1. That it be agreed that the Membership of the Authority for 2023-24 be noted.

09/23 **Questions on the Discharge of Functions**

Resolved:

1. That it be agreed that the members, as per the report, be nominated to answer questions on the discharge of functions of the Authority as required by Section 41 of the Local Government Act 1985.

10/23 **Political Balance and Membership of Committees and Panels**

Resolved:

1. That the political balance and membership of committees and panels for 2023/2024, as per the report, be approved.
2. The appointment of Mr Mike Ager to the role of Independent Member of the Audit and Risk Committee.
3. That the appointment of one co-opted member to Scrutiny Committee and Collaboration and Transformation Committee and appointment of both co-opted members to the Policy Planning Forum, be approved.
4. That the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels, be approved.
5. That the appointment of Mr. Ray Tomkinson to the role of Independent Person appointed in pursuance of Section 28 of the Localism Act 2011, for the term of office expiring at the AGM June 2024, be approved.
6. That the appointment of the Police Crime Commissioner to the Collaboration and Transformation Committee be approved.

11/23 **Appointment of Representatives to Serve on Other Bodies**

The Chair of the Authority advised of the following nominations:

- Local Government Association General Assembly – nominees will be Chair, Vice-Chair, Leader of the Opposition and Councillor Parbinder Kaur (or their substitutes).
- Fire Service Commission – nominees will be Chair, Vice-Chair and Cllr Vera Waters (or their substitutes).
- West Midlands Road Safety Partnership – nominee will be Cllr Gurdial Singh Atwal.

Resolved:

1. That the Authority nominated representatives serve on the bodies set out in Appendix 1 of the report, for the one-year term of office expiring with the Annual Meeting of the Authority in June 2024, be approved.
2. That it be agreed that the following nominations be approved:
 - Local Government Association General Assembly – nominees will be Chair, Vice-Chair, Leader of the Opposition and Councillor Parbinder Kaur (or their substitutes).
 - Fire Service Commission – nominees will be Chair, Vice-Chair and Cllr Vera Waters (or their substitutes).
 - West Midlands Road Safety Partnership – nominee will be Cllr Gurdial Singh Atwal.

12/23 Member Attendance at Conferences, Seminars and Visits

The Chair of the Authority advised Members that should they be interested in attending any of the events, then to contact him directly and he would look into them attending as the Chair or Vice-Chairs nominee.

Resolved:

1. That the events for 2022-23, as set out in Appendix 1 of the report, for the purpose of payment of travel and subsistence allowances and conferences fees, subject to necessary budgetary provision being available, be approved.

13/23 Governance of the Authority 2023-24

Karen Gowreesunker, Clerk to the Authority, presented the Governance of the Authority report for 2023-2024. She advised the Authority that the proposed dates for meetings were attached at appendix A for approval. The members allowance scheme, as per appendix B, outlined the allowances for members for 2023-2024 and proposed that an independent remuneration panel be commissioned during 2023-2024 to review the current scheme.

Resolved:

1. That it be agreed that the calendar of meetings for 2023/24 as set out in Appendix A be approved.
2. That it be agreed that the Members' Allowances Scheme for 2023/24 as set out in Appendix B, be approved.
3. That it be agreed that the commissioning of an independent remuneration panel to review the Members' Allowance Scheme in the 2023/24 municipal year to report back to a future Authority meeting, be approved.

14/23 **Constitutional changes**

Tom Embury, Deputy Clerk, presented the constitutional changes report that outlined the proposed amendments to the Authority's Constitution.

The Authority were advised that following minor changes made to the constitution at the last Fire Authority in February 2023, a substantive review had taken place to make the constitution more user friendly to those accessing it. Key sections of the constitution were attached as per appendices to the report for members.

The Chair of the Authority thanked all officers involved.

Resolved:

1. That the amendments to the constitution as set out in the report, table of proposed changes and relevant appendices be approved.

15/23 **Portfolio Management (3PT)**

The CFO presented the Portfolio Management (3PT) report that outlined a strategic summary of the progression of delivery of the portfolio management through 'Our Plan'.

The authority were advised that to help highlight the importance of sprinklers and their ability to save lives, a press release was issued with a dramatic video. A link had been provided as per the report. The review of the services Incident Command capability had now

concluded, and a schedule of work for the next 12 months had been culminated.

The Authority were advised that consultation on increasing flexi-duty officers had recommenced, with engagement taking place with representative bodies on a weekly basis. Risk Based Crewing consultation closed on 6 June with an agreement to implement this approach at three multi-pump stations (Coventry; Walsall and Highgate).

A pilot had begun with Orbit Housing and Birmingham City Council to use the SafeLink's online Safe and Well tool to refer tenants. Following queries, the CFO advised that if successful, the pilot with Orbit Housing and Birmingham City Council would be rolled out further across the different areas.

The new fire investigation dog, 11-month-old working cocker spaniel, Giddy, completed her training in April 2023 alongside her handler Fire Investigator Alex Daw and they have both been attending incidents since. It had been a welcomed addition.

Work continued at HQ as part of the transformation project to provide agile working space, with all staff being relocated to the first floor to ensure collaborative working. The police had been located at HQ and the service was looking into further collaboration opportunities.

The new strategic goals, as per the report, were also highlighted.

Following acceptance of all 35 recommendations from the HMICFRS Spotlight Report, the service were working towards delivery of key milestones for all relevant recommendations.

A review of trainee firefighters training length and course content was underway and if/when the service move to apprentice level then they should be able to obtain a levee. Work is already conducted with cadets, with an offer for them to join once age applicable.

Following queries on the national 999 call handling outage, the CFO advised members that the 999 system went down at around

8.00am on Sunday 23 June with BT having issues with their systems, including their back up systems. A COBRA meeting had been called Sunday 23 June to discuss back-up options but members were re-assured that West Midlands had no real delays due to the contingency plans in place. As it had been a national issue, a national number had been circulated for all fire services to use. It was agreed that a single page briefing would be circulated to members to outline what happened.

The Chair of the Authority thanked Officers for their input and hard work.

Resolved:

1. That it be agreed that the Portfolio Management (3PT) report be noted.
2. That it be agreed that single page briefing would be circulated to members to outline what happened with the 999 national outage.

16/23 **Community Risk Management Plan - Consultation**

The CFO presented the Community Risk Management Plan (CRMP) – Consultation report that outlined the planned consultation for July 2023.

The Authority were advised that consultation is required by the National Framework every three years on the CRMP for the service. The last consultation took place in October 2020 and helped inform the CRMP and three-year rolling strategy for 2021-2024 and created six projects, as per the report. These would continue to be within the CRMP. The key themes that would form the bases of future CRMP proposals were highlighted and would be included as part of the public consultation.

The Chair of the Authority praised the hard work of officers with the last consultation that had achieved over 11,000 responses. Members were informed that the target this year was to achieve an even higher number of responses.

Resolved:

1. That it be agreed that the approach to Community Risk Management Plan (CRMP) consultation in July 2023 as outlined within the report, including the consultation themes and questions, be approved.

17/23 Analysis of Progress of Quarterly Performance Against the Plan Qtr 4 2022-23

Richard Stanton, Assistant Chief Fire Officer, presented the analysis of progress of quarterly performance against the plan Qtr. 4 2022-23 report that outlined the progress made in delivering the three strategic priorities within 'Our Plan' 2022-2025 and the status of key performance indicators for Qtr. 4 2022-23.

The Authority were advised that the key performance indicators had been RAG rated: Blue (over performance), Green (within tolerance levels) and Red (under performance). As per the report, P1 Response – all four categories of incident types had all performed against tolerance levels with the average attendance time for Category 1 incidents of 4 minutes and 57 seconds in Qtr 4. All Category 2, 3 and 4, incident types had remained in their targets.

Safe and Wells also had a targeted approach for those deemed as vulnerable. The target levels are underperformed but plans had been in place to improve this such as the policy with Orbit Housing. Work was also underway to try and improve false alarm repeats with collaboration with businesses. It was also acknowledged that further work to improve the percentage of the workforce declaring their disability and BAME status.

Resolved:

1. That it be agreed that the status of the Services key performance indicators in the fourth quarter and for end of year of 2022-23 (Appendix 1), be noted.
2. That it be agreed that the progress made in delivering the three strategic priorities contained in 'Our Plan' 2022-2025 (Appendix 1), be noted.

18/23 **Corporate Performance Indicators 2023-24**

Simon Barry, Deputy Chief Fire Officer, presented the Corporate Performance Indicators 2023-24 report that outlined the corporate performance indicators and their targets.

The Authority were advised that targets had been set over a three-year period with performance indicators covering a one-year period. The key proposals, as outlined therein the report, were highlighted. It was acknowledged the targets that have been set for 2023/24 take into consideration the impacts of the pandemic and the resultant Business Continuity arrangements that were implemented in 2020/21 and the recovery phase during 2021/22. 2022/23 marked a return to business as usual for the Service but the after-effects of the previous two years continue to be observed.

The Authority were advised that as per Appendix 1:

- PI 1 – to remain at five-minute target time.
- PI 2 – nationally doing well with target of 1514.
- PI 5 – increased to 50%.
- PI 16 – target increased to 226, with a 50% target for the firefighter training programme.
- PI 17/17a – target increased to 35% of recruits.

The Chair of the Authority praised staff and the progress made so far to build a diverse workforce.

Resolved:

1. That it be agreed that the Corporate Performance Indicators (PIs) and targets for 2023-24 be approved.
2. That it be agreed that the proposed supplementary sub-PIs, that complement existing PIs, be approved.

19/23 **Independent Investigation into Pension issues**

Please note: the Chair of the Authority and Councillor Little excluded themselves from the room at 12 noon to avoid potential conflict of interest during agenda items 19 and 20. They returned

at 12:07pm. It was agreed that the Vice-Chair chair the meeting for agenda items 19 and 20 in the Chair's absence.

Satinder Sahota, Monitoring Officer, presented the Independent Investigation into Pension issues report that outlined the content and findings of the Independent Investigation into issues with the West Midlands Firefighters' Pensions Scheme.

The Authority were advised that issues began in 2021-2022 and were outlined within the report. The investigation found recommendations to assist in improvements to the management and administration of the scheme. The appointed investigator had conducted previous investigations and had conducted a thorough review. The full report had been confidential and circulated to all Fire Authority members. Thanks was given to the internal auditors for their involvement at the beginning of the process.

Resolve:

1. That it be agreed that the content and findings of the Independent Investigation into issues with the West Midlands Firefighters' Pensions Scheme be noted.
2. That it be agreed that all the recommendations within the Independent Investigation report and task officers and the delegated Scheme Manager with implementing the required improvements to the management and administration of the scheme, be accepted.

20/23 Change of Scheme Manager Delegation

Satinder Sahota, Monitoring Officer, presented the Change of Scheme Manager Delegation report that outlined the proposed transfer of the delegated role of Scheme Manager of the West Midlands Firefighter Pension Scheme from the Audit and Risk Committee to the Chief Fire Officer.

The authority were advised that the current delegation of Scheme Manager sat with the Audit and Risk Committee from the Fire Authority. The role of the scheme manager was highlighted as per report. It was emphasised that although the delegation would change, the Fire Authority still obtained responsibility. It was

proposed that the scheme of delegations for the CFO and the Audit and Risk Committee be amended, as per appendices to the report, if the change in delegation was approved.

Resolved:

1. That it be agreed that the transfer of the delegated role of Scheme Manager of the West Midlands Firefighter Pension Scheme from the Audit and Risk Committee to the Chief Fire Officer, be approved.
2. That it be agreed that the Authorities continuing responsibility as Scheme Manager even with the change of delegation, be noted.

21/23 Monitoring of Finances 2023-24

Mike Griffiths presented the Monitoring of Finances report that outlined the finances of the Authority for the current financial year and covered revenue expenditure/capital programme.

The Authority were advised that, as per appendix A of the report, the revenue budget and the actuals were compared up to the end of May 2023. The actual spend to May 2023 had been £22.492m compared to a projected budget of £22.478m. As part of the current revenue budget, efficiency savings of £1.9m had been required. It was highlighted that the implementation of pay awards would make the service fall behind, but Risk Based Crewing had aided in the financial efficiencies required.

The Authority were advised that, as per Appendix C of the report, the capital programme for 2022-23 would be £10.028m.

Resolved:

1. That it be agreed that the Monitoring of Finances report be noted.

22/23 Governance Statement 2022-23

Mike Griffiths presented the Governance Statement 2022-23 report that outlined the process to identify and prioritise risks for the achievement of the Authority's policies, aims and objectives.

The Authority were advised that the Governance Statement had been an annual report and covered the period up until 31 March 2023. The Governance Statement would be included within the Statement of Accounts. The report had been submitted to the Audit and Risk Committee for approval on 19 June 2023, with no amendments requested.

Resolved:

1. That it be agreed that the Governance Statement 2022-23 be approved.

23/23 Service Provided Vehicles

Simon Barry, Deputy Chief Fire Officer, presented the Service Provided Vehicles report that outlined the rationale, benefits and financial implications for West Midlands Fire Service (WMFS) to transition into a service provided vehicle scheme.

The Authority were advised that since 2013, WMFS had operated with a 'grey fleet' which resulted in responding officers utilising their own vehicles to respond to incidents. This resulted in a variety of different vehicles being used, and with limited assurance as to the roadworthiness of each vehicle. For safety, it was proposed that as a temporary measure the current vehicles used be subject to an enhanced monitoring process, with a view to provide fleet vehicles over the next 6-12 months. A procurement process would take place and it was predicted that the vehicles would be hybrid to align with the service's environmental commitments. The current scheme had cost around £150,000 per annum and it was anticipated that the new scheme would increase that cost to £380,000 per annum but would ensure that risks are mitigated and that officers are able to provide an appropriate response and effectively do their job. It was advised that a £2.1m capital investment would be required to obtain the vehicles however, given the value in second hand vehicles, it was anticipated that significant value would be retained which could be recouped when the vehicles are replaced at the end of their service life.

Following queries around insurance, reassurance was given that the service was looking to re-imburse individuals where insurances have been affected from incidents which were not their fault whilst on duty. It was emphasised that individuals should not personally be impacted.

Mike Griffiths advised that leasing had been considered but found to represent lower value for money as the value of purchased vehicles would be high. It was anticipated that the £2.1m would be borrowed. The procurement process would specify any requirements, including required quality and cost.

Sasha Hitchins, Fire Brigades Union, welcomed the recommendations. The Chair of the Authority emphasised the need to ensure the safety of officers.

24/23 Pay Policy Statement 2023-24

Richard Stanton, Assistant Chief Fire Officer, presented the Pay Policy Statement 2023-24 report that outlined the new local government employee pay rates and pay awards.

The Authority were advised that the service must produce a pay policy statement for each financial year and outlined the service's approach and policies, as outlined within the report. The pay award for Grey Book staff and Green Book staff had been awarded and backdated.

Resolved:

1. That it be agreed that the Pay Policy Statement for the financial year 2023-2024 be approved.

25/23 Result of Recent Fire Safety Prosecutions

The CFO presented the Result of Recent Fire Safety Prosecution report that outlined the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

The Authority were advised that following several visits from the service to the companies, as outlined within the report, there remained a lack of fire alarms and risk assessments for the

properties. As a last resort, the service issued an order which resulted in the defendant, Mr Christos Orthodoxou, receiving a prison sentence of 16 months suspended for 21 months. He was further ordered to pay a fine of £5,000 and £15,765 towards prosecution costs. KWB Property Management Limited were ordered to pay a fine of £80,000 along with a further £20,000 towards prosecution costs. Arista Restaurants Limited were ordered to pay £60,000 along with a further £20,000 towards prosecution costs.

Resolved:

1. That it be agreed that the details of the Fire Safety Prosecution be noted.

26/23 Scrutiny Committee Annual Report 2022-23

Councillor Atwal, Vice-Chair of the Scrutiny Committee, presented the Annual report of the Committee, that outlined the work conducted by the Committee during the 2022-23 municipal year.

Resolved:

1. That the Annual Report of the Scrutiny Committee 2022-23 be noted.

27/23 Minutes of Previous Committee Meetings

Resolved:

1. That it be agreed that the minutes of the following committee meetings, be noted:
 - Audit and Risk Committee – Monday 28 November 2022 and 20 March 2023
 - Collaboration and Transformation Committee – Monday 12 December 2022 and 27 February 2023
 - Scrutiny Committee – Monday 23 January 2023

28/23 Exclusion of Public and Press

Resolved:

1. That it be agreed that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Paragraph 3 of the Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

29/23 Planned Procurement Exercise for 2023-2024

Mike Griffiths presented the Planned Procurement Exercise for 2023-2024 report that outlined the proposed tender exercise for the provision of various works, goods and services during 2023-2024.

Resolved:

1. That it be agreed that the following tender exercises for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2023/24, be approved:
 - 1.1 ABLUTION REFURBISHMENTS
 - 1.2 UNIFORM
 - 1.3 CONTROL ROOM SYSTEMS REFRESH
 - 1.4 SERVICE PROVIDED VEHICLES FOR OFFICERS

30/23 Independent Investigation Update (verbal)

Please note: as per agenda items 19 and 20, the Chair of the Authority and Councillor Little excluded themselves from the room at 12:38pm to avoid potential conflict of interest. The returned at 12:41pm. It was agreed that the Vice-Chair chair the meeting for agenda item 30 in the Chair's absence.

Satinder Sahota, Monitoring Officer, advised the Authority that work was underway for all the recommendations outlined in the private report circulated with some already implemented.

The Vice-Chair of the Authority thanked all officers involved in the lengthy process. Cllr Dehar passed on her thanks for Cllr Miks, as the previous Chair of Audit and Risk Committee.

Resolved:

1. That it be agreed that the independent investigation verbal update be noted.

The meeting ended at 12:45 hours.

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