

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

**24<sup>th</sup> June, 2013 at 11.00 am**  
**at Fire Service Headquarters, Vauxhall Road, Birmingham**

**Present:** Councillors Aston, Singh Atwal, Auluck, Chambers, Clinton, Collingswood, Davis, Delaney, Douglas-Maul, Edwards, Eustace, Finnegan, Idrees, O'Reilly, Quinnen, Shackleton, Singh, Spence, Tranter, Walsh, Wright, Yardley and Young.

**Apologies:** Councillors Foster, Hogarth, Mottram JP and Sealey.

**Observer:** Mr Ager.

### **33/13     Election of Chair**

**Resolved** that Councillor Edwards be elected Chair of the Authority for the period ending with the annual meeting in 2014.

### **34/13     Election of Vice-Chair**

**Resolved** that Councillor Idrees be elected Vice-Chair of the Authority for the period ending with the annual meeting in 2014.

### **35/13     Declaration of Interests**

Councillor Edwards declared a non-pecuniary interest in Minute No 46/13 below (Monitoring of Finances).

**Chair's Announcements**

The Authority stood in silent tribute to mark the passing of Councillor George Davies, the longest serving member of the Authority.

The Chair and Members paid tribute to the work of Councillor Davies over many years within the Authority and referred to him as a kind and good natured colleague who would be missed by all.

Councillor Davies's funeral had been held on 18<sup>th</sup> June, 2013 and the Fire Service had provided a guard of honour as a mark of respect.

The family had asked that any donations be made to the Neonatal Unit at New Cross Hospital.

The Chair welcomed new members to the Authority. He also paid tribute to Councillor O'Neill, member of Wolverhampton City Council and outgoing member of the Authority for all of his work and contribution to the service and for his sterling work as Chair of the Joint Consultative Panel. The Chair would write to Councillor O'Neill on behalf of the Authority.

The Chair reported that Daniel Clarke of the West Midlands Fire Service had recently won the Chief Fire Officers Association Fleet Apprentice Award of the Year 2013.

It was the third time the Service had won the award in the five years since its inception.

The Chief Fire Officer reported that the service had been very busy recently due to a recent fire death in Wolverhampton which was now being investigated, an incident at a Walsall Mosque and training exercises over the weekend involving a trapped parachutist.

Reference was also made to a recent incident where firefighters had dealt with a major trauma before the ambulance had arrived. Without intervention, the individual would not have survived. There was a high standard of trauma care across the Fire Service and the Service was seen as an exemplar of high skill. The Chair, on behalf of the Authority, placed on record his thanks to the Service.

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The Chair reported that the ground investigation works for the Halesowen and Cradley Heath fire station had now been completed and it was hoped that following a tendering process, it would be possible to appoint a local contractor who would engage local young people on the scheme.

The sod cutting event for the station would be held on 1<sup>st</sup> July, 2013 and it was envisaged that the build would take up to 35 weeks with the opening of the station taking place in April/May 2014.

The Government bid for capital funding for the new station had been successful and the partners for the scheme included the West Midlands Ambulance Service and Learn Direct who would support job seekers and would help to promote schemes to local schools on what the Fire Service meant to them. Promotional work would form part of the opening day ceremony.

It was reported that the Appointments Committee on 17<sup>th</sup> June, 2013 had appointed Mr. Philip Loach to the vacant post of Deputy Chief Fire Officer, for a one year fixed term period. The Authority congratulated Mr Loach on his appointment.

### 37/13 **Minutes**

**Resolved** that the minutes of the meeting held on 15<sup>th</sup> April, 2013 be confirmed as a correct record.

### 38/13 **Membership of the Authority 2013/2014**

The Clerk reported on the membership of the Authority for 2013/14. This had now been amended to include Councillor Mottram JP as a new appointment by Dudley Metropolitan Borough Council.

### 39/13 **Questions on the Discharge of Functions**

**Resolved** that the following Councillors 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:-

	<b><u>Lead Councillor</u></b>	<b><u>Substitute Councillor</u></b>
Birmingham	Idrees	Clinton
Coventry	Walsh	Auluck
Dudley	Aston	Mottram JP
Sandwell	Edwards	Tranter
Solihull	Davis	Hogarth
Walsall	Chambers	Young
Wolverhampton	Singh	Collingswood

40/13

**Governance of the Authority 2013/2014**

The Authority considered a report on governance of the Authority for 2013/14. The report set out draft terms of reference for committees and panels; member role descriptions; a calendar of meetings for the year and the Members' Allowances Scheme.

There were no substantive changes to the Authority's governance arrangements.

It was now proposed to amend the Members' Allowances Scheme to take account of legislation as follows:-

- travel allowances – to amend the mileage rate for motor vehicles over 1199cc from 48.5p to 45p per mile for the first 10,000 business miles and 25p per mile thereafter which was in line with Her Majesty's Revenues and Customs rates for reimbursement of travel expense;
- travel allowances – to amend the rate for members to claim for carrying a passenger from 3p for the first passenger and 2p per subsequent passenger to 5p so that the members allowance scheme was in line with the rate paid to officers under the Green and Grey Book conditions of service;
- to remove reference to withholding a member's basic allowance as a sanction in respect of a failure to comply with the Code of Conduct, to reflect the relevant provisions of the Localism Act 2011.

The current scheme also provided for an annual increase in members' allowances in line with agreed pay awards to the local government service in April 2009, 2010 and 2011.

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There had been no local government pay award in 2010/11 or 2011/12 and members' allowances had not therefore been increased. Arrangements would normally be put in train at this time for a review of the members' allowances scheme by an independent remuneration panel. Whilst negotiations were in hand for a minimal increase in local government pay, it was proposed in view of the financial situation, to defer any review of the scheme for a further twelve months.

In 2012/13, the members' allowances scheme provided that an allowance of £500 per annum may be paid to the independent person appointed pursuant to Section 28 of the Localism Act 2011. This was the rate paid to the previous Independent Chair of the Standards Committee. As the Authority's two independent persons did not have responsibility to chair meetings of the Standards Committee, it was proposed to withdraw this allowance. The independent person was, however, still able to claim travel and subsistence allowances, as appropriate.

### **Resolved:-**

- (1) that the terms of reference of committees and panels, as set out in Appendices 1 and 2, be approved;
- (2) that member role descriptions, as set out in Appendix 3, be approved;
- (3) that the calendar of meetings for 2013/2014, as set out in Appendix 4, be approved;
- (4) that the Members' Allowances Scheme for 2013/14, as set out in Appendix 5, be approved;
- (5) that there will be no increase in members' allowances in 2013/14 by way of indexing or otherwise;
- (6) that in the light of the current financial situation, no action be taken for the time being with regard to convening an independent remuneration panel to review the members' allowances scheme and that the situation be reviewed in twelve months' time;

- (7) that the Clerk be authorised to make any necessary consequential amendments to other constitutional documents in the light of decisions made with regard to governance arrangements for 2013/14.

41/13

**Political Balance and Membership of the Authority 2013/2014**

The Authority considered the constitution and political balance of committees and the assignment of members to committees, panels and working groups for 2013/2014.

The Authority was advised that the term of office of the independent member of the Audit Committee expired at this meeting. It was now proposed to appoint Mr M Ager as the independent member on the Audit Committee for a further three year term of office, to expire with the annual meeting of the Authority in 2016.

The Localism Act 2011 had implemented changes to the standards framework and independent members of the Standards Committee had now been replaced by an 'independent person' who must be consulted before any decision was taken on a complaint which had been investigated. The Authority had approved an arrangement whereby the independent persons appointed by Sandwell Council would also be used by the Authority.

Sandwell Council had appointed an independent person following a public advertisement indicating that this would be a joint appointment with the Authority. Following interviews by a cross party panel, Mrs Yetunde Akande was appointed for a one year period. Mr Frederick Bell would continue to serve for the period expiring 30<sup>th</sup> June, 2014. Members were asked to approve their formal appointment as independent persons for the Authority.

**Resolved** that the Authority approve:-

- (a) the political balance and membership of committees and panels for 2013/2014, as set out in Appendix 6;
- (b) the appointment to the roles of Chairs and Vice-Chairs of committees and panels, as set out in Appendix 6;

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- (c) the appointment of Mr Michael Ager as an independent member on the Audit Committee for a further term of office concluding with the Annual Meeting of the Authority in 2016;
- (d) the appointment of the following persons to the role of independent persons, appointed in pursuance of Section 28 of the Localism Act 2011, for the term of office expiring 30<sup>th</sup> June, 2014

Mr Frederick Bell  
Mrs Yetunde Akande

42/13

### **The Constitution**

Approval was sought to adopt a formal Constitution in order to meet the requirements of CIPFA (Chartered Institute of Public Finance and Accountancy)/SOLACE (Society of Local Authority Chief Executives and Senior Managers) Framework – Delivering Good Governance. The Constitution would set out how the Authority would operate, how decisions would be made and the procedures that would be followed to ensure that these were efficient, transparent and accountable to local citizens.

Some of these processes were required by the law, while others were a matter for the Authority to determine. Under the provisions of the Local Government Act 1972, the Authority was also required to maintain a list of powers delegated to its Chief Officers and to make it available for public inspection.

A draft Constitution was submitted which set out how the Authority worked and how it made decisions to:-

- (i) assist members to discharge their role as decision makers efficiently and effectively;
- (ii) ensure that decision making processes were clearly identifiable to citizens;
- (iii) provided citizens with information about their rights and right to be involved in the process of decision making to encourage their active involvement;
- (iv) provided a means for improving the democratic accountability of the Authority in the delivery of services to the community.

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The Constitution would need to be reviewed periodically and amended as necessary to keep it up to date and fit for purpose.

The Authority placed on record its appreciation to all officers who had been involved in the preparation of the Authority's Constitution. Members felt that the document was well written and an excellent class piece of work suitable for a wide audience. The Constitution provided clarity on how the Authority carried out its affairs and detailed the rules and procedures that governed the behaviour of those who worked for or represented the Authority.

### **Resolved:-**

- (1) that the Constitution of the West Midlands Fire and Rescue Authority be approved;
- (2) that the list of matters reserved to the Authority and delegations to Chief Officers, as set out in the Appendix to the Constitution, be affirmed;
- (3) that the Clerk be authorised to make any consequential amendments to constitutional documents in light of decisions made with regard to governance arrangements for 2013/14.

43/13

### **Appointment of Representatives to Serve on Other Bodies**

The Authority considered the appointment of representatives to serve on other bodies during 2013/2014.

The Authority was informed that the Olympic Steering Committee had now been renamed the Commonwealth Games Committee.

### **Resolved:-**

- (1) that the appointments of representatives to serve on other bodies, as set out in Appendix 7, be approved;



- (2) that the Chair (Councillor Edwards), (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 allocated in accordance with proportionality of the Association.

44/13      **Member Attendance at Conferences, Seminars and Visits**

The Authority considered a report setting out the arrangements for authorising attendance at conferences, seminars and visits.

**Resolved** that the events for 2013/2014, as set out in Appendix 12, be approved for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

45/13      **Governance Statement 2012/13**

The Authority considered its Governance Statement for 2012/2013.

The Statement was based on an ongoing process designed to identify and prioritise the risks to the achievement of policies, aims and objectives and to evaluate the likelihood of those risks being realised, the impact should they be realised, and to manage them efficiently, effectively and economically. The Statement had operated throughout the year ended 31<sup>st</sup> March, 2013 and up to the date of the approval of the annual report and accounts.

The Statement was designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it could therefore only provide reasonable and not absolute assurance of effectiveness.

The approved Statement would be signed by the Chair and the Chief Fire Officer.

**Resolved** that the Authority's Governance Statement for 2012/2013 be approved.

46/13      **Monitoring of Finances**

The Authority noted a report on the monitoring of finances to the end of May 2013.

Despite there being a huge impact on organisations following cuts in grant funding, the Chair felt that the Authority was now in a better position following the financial settlement and the recent rise in Council Tax which would provide more certainty for the ensuing year.

‘The Plan’, the Authority’s corporate strategy, was a definitive and objective document and the balanced budget would help to deliver the strategic direction for the Authority.

47/13      **Honoraria**

With reference to Minute No. 27/13, the Authority considered details of the honoraria payments made for the financial years 2011/12 and 2012/13.

The cost of honoraria payments reported for 2011/2012 was £15,000 which related to undertaking temporary/additional duties, additional responsibilities or specific project work relating to the review of the Service or sections of the Service and employees being required to undertake elements of higher graded roles following a reduction in the number of temporary workers.

The cost of honoraria payments reported in 2012/2013 was £84,000. In 2012/13, there were approximately 60 honoraria payments made which related to project work, undertaking temporary/additional duties or responsibilities and to employees undertaking work outside of their current role.

The Service would continually review honoraria and other allowances and may from time to time, undertake a Director led review.

The Authority noted the report. The Director of Human Resources undertook to meet with Councillors Chambers and Finnegan to explore issues now raised by members.

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### **48/13      Annual Report of the Audit Committee 2012/13**

The Authority noted the Annual Report of the Audit Committee 2012/13. The report detailed the results of the Audit Committee's self assessment/review of effectiveness, together with details on the business undertaken by the Committee during the 2012/13 Municipal Year.

### **49/13      Minutes of the Audit Committee**

The minutes of the Audit Committee meetings held on 8<sup>th</sup> April and 10<sup>th</sup> June, 2013, were received.

### **50/13      Minutes of the Executive Committee**

The minutes of the Executive Committee meetings held on 30<sup>th</sup> April and 10<sup>th</sup> June, 2013, were received.

### **51/13      Minutes of the Scrutiny Committee**

The minutes of the Scrutiny Committee meetings held on 8<sup>th</sup> April, 28<sup>th</sup> May and 10<sup>th</sup> June, 2013, were received.

### **52/13      Notes of the Policy Planning Forum**

The notes of the Policy Planning Forum meetings held on 8<sup>th</sup> April and 10<sup>th</sup> June, 2013, were received.

### **53/13      Notes of the Joint Consultative Panel**

The notes of the Joint Consultative Panel meeting held on 15<sup>th</sup> April, 2013, were received.

54/13

**Exclusion of the Public**

**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) and action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

55/13

**Planned Procurement Exercises for 2013/14**

The Authority received information about a number of planned tender exercises.

**Resolved** that the following tender exercises for the provision of goods and services to West Midlands Fire and Rescue Authority during 2013/2014 be proceeded with:-

- catering services;
- physician services;
- equipment for the Technical Rescue Unit.

56/13

**Action of the Chief Fire Officer in Consultation with the Chair and Vice-Chair of the Authority**

The Chief Fire 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.

It was proposed to also consult the Leader of the Opposition Group on any future actions of the Chief Fire Officer.

(Meeting ended at 12 noon)

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