

## **Minutes of the West Midlands Fire and Rescue Authority**

**20 November 2017 at 1100 hours at  
Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor John Edwards (Chair)  
Councillor Mohammed Idrees (Vice Chair);  
Councillors Allcock, Barrie, Booth, Brackenridge,  
Cartwright, Clinton, Craddock, Davis, Douglas-Maul,  
Eustace, Hogarth, Male, Miks, Sealey, T. Singh, P  
Singh, Spence, Tranter, Williams and Young  
Aston, Atwal Singh, Barlow, Mottram and Walsh.

### **88/17 Apologies for Absence**

Apologies were received from Councillors Sealey.

### **89/17 Declarations of Interest in contracts or other matters**

Councillor Edwards and Brackenridge declared a non-pecuniary interest in Minute No. 96/17 below (Monitoring of Finances).

### **90/17 Chair and Chief Fire Officer's Announcements**

The Chair informed the Authority of the two forthcoming events:

The Rewards and Recognition Evening on 24 November 2017 at Edgbaston Cricket Ground

The Annual Carol Service on 3 December 2017 at St Martins, Bull Ring at 1600 for 1630 hours.

Expressions of Interest would be requested from Members for a place on the LGA Fire and Rescue Leadership Course on 20/21 February 2018 at Warwick University, Coventry.

The Chief Fire Officer and Chair had recently met with West Midlands Members of Parliament and updated them on the current financial and operational situations.

MPs were informed of the Authority's capital position and updated on the level of budgetary cuts over the previous seven years, including a cut of 50% in grant and reductions of £38m and a further £10m by 2020 and a reduction of 25% of support, operational and fire safety staff.

The MPs were asked to raise the issue with the Home Office and the Department of Communities and Local Government (DCLG) and to persuade the DCLG to allow flexibility on council tax in 2018/19. The Fire Service would like to be treated in a similar way to the Police and parish councils.

The Authority were informed by the Chief Fire Officer of the recently released Association of Metropolitan Fire and Rescue Authority's substantive publication entitled "Fair and Intelligent Funding" to influence the budget setting process. The National Fire Chief's Council, through its Finance Committee, chaired by Deputy Chief Fire Officer Phil Hales had also written to the Home Office on the future funding of the Fire Service.

Members were informed of the launch of the Back Home Safe and Well scheme in Coventry aimed at those members of the public who are vulnerable from the risk of fire, who are released from Coventry and Rugby Accident and Emergency and this will continue for further four months.

300 people to date had taken part in the scheme and this was set to accelerate through the winter months and was regarded as a good news story for the Fire Authority.

Section 41 Members were encouraged to confirm their attendance and to attend the Rewards and Recognition Awards Ceremony if possible.

91/17 **Minutes of the Fire Authority held on 18 September 2017**

**Resolved** that the minutes of the Fire Authority meeting held on 18 September 2017, be confirmed as a correct record.

92/17 **Monitoring Officer Provision**

The Authority noted the appointment of Monitoring Officer provision through Local Government Shared Services (LGSS) Law Services from the 26<sup>th</sup> September 2017.

At the June Annual General Meeting of the Authority a report was presented on a review of Monitoring Officer Services. The Authority approved option 2, Wolverhampton City Council. However, Wolverhampton City Council were unable to provide services.

On the 7 August 2017, the Chair informed the Executive Committee that a further review would be required to source services, due to Wolverhampton being unable to provide this role.

Following a further review the Chair, CFO and Clerk implemented option 3, Independently sourced Monitoring Officer provision, as this also provided the benefits of option 1 retaining the current Monitoring Officer provision. This was implemented on the 27<sup>th</sup> August to ensure continuity of Monitoring Officer services.

The Monitoring Officer had taken up a position with LGSS Law Ltd who are a law firm specialising in the public sector. It was formed by Northamptonshire County Council, Cambridgeshire County Council and Central Bedfordshire legal services departments. LGSS Law Ltd provide cost-effective legal advice and assistance to a range of public and not for profit sector clients including Fire and Rescue Authorities.

The move provides the Authority with the services of a specialist department and exploiting the benefits of option 1, maintaining current Monitoring Officer provision through Sandwell MBC, whilst providing continuity of services through

the independent company while retaining organisational knowledge and strategic direction and effective progression of governance change.

**Resolved** that the Clerk to the Authority to make the changes required to the Constitution and Monitoring Officer Memorandum of Understanding (MOU).

### 93/17 **Delivering Strategy – The Plan 2018 - 2021**

The Authority noted the progress made in supporting the delivery of The Plan 2017-2020 and the Financial Efficiency Plan (efficiency plan), during the current financial year 2017-2018.

The CFO stated that further clarity was needed because of the current environment. The Authority agreed its updated annual plan and Integrated Risk Management Plan (IRMP) delivered through a rolling 3 year strategy in February 2017 and 4 year efficiency plan 2020 in September 2017. The Authority's risk based 5 minute attendance standard forms the basis of the Authority's strategy. The Service is performing well against the Plan saving lives, property and keeping business in business, through Protection and Prevention. Income is being generated by the Transformation programme as agreed by Authority. However, there would be some significant issues to continue meeting the arrangements including revised staffing model and introduction of alternative funded services.

The Authority reaffirmed their continuing support for the strategic priorities and outcomes as outlined in The Plan 2017-2020 for 2018-2021.

The Authority confirmed its continuing support to the CFO for the ongoing delivery of the Authority's 3 year rolling strategy for transformational services improvements, delivered through The Plan 2018-21. And, in particular, the delivery through:

- Implementation of the programme of workforce reform and development in supporting the delivery of The Plan (2018 – 2021) and efficiency plan. The key area of focus will be the development of a Local Agreement.

- The continuation of alternative funding activities to support the delivery of future strategy and the requirements of the efficiency plan, including the capability of staff to deliver the alternative funding activities.
- The review of alternative options for staffing in enabling the effective delivery of the Service Delivery Model and improving public safety.
- Consideration of the delivery of the above enabling services to be provided to local communities within a balanced budget, aligned to the Service's efficiency plan and The Plan 2018 – 2021.

The Authority acknowledged that it may need to use funding from balances as part of the 2018/19 budget setting arrangements in support of the Service transformation changes .

In response to a Member's enquiry regarding a possible shortfall, the CFO stated that amount set for alternative funded services was over the life span of the efficiency plan. It was hoped that through a local agreement, this would be achievable but, only as long as the workforce delivered the right activities.

If this is not achieved the Authority would potentially face the difficult position of not reaching the £2m funding, but the shortfall would need to be found from other areas of the organisation. This would require more internal change and possible degradation of service, less appliances, less stations and not enough riders.

To maintain the commissioned work from integrated staff would not be an easy task. The Service wished to continue to achieve the best Service Delivery Model in the country and maintain its 4.41 attendance average, but each month this was becoming more difficult. The Authority's aspiration was to maintain the best service for the community.

Further updates would be provided at Policy Planning Forum in the forthcoming months.

94/17 **Route Map to a Mayoral West Midlands Combined Authority Governance – Representation from West Midlands Police and Crime Commissioner**

The Authority received a report outlining the Representation from West Midlands Police and Crime Commissioner, including full attendance and voting rights.

On 20<sup>th</sup> February 2017 the Authority recognised and approved a strategy and timeline for the reform of the Fire Authority as part of the route to Mayoral WMCA governance of the Fire Service. The Authority agreed to streamline its committee system and invite four co-opted members to the Authority. Four bodies were identified as adding value by increasing opportunities for collaboration, overall effectiveness and delivery of public services namely West Midlands Police and Crime Commissioner, West Midlands Ambulance Trust, Public Health and the West Midlands Combined Authority.

The Chair of the Authority wrote to the WMPCC inviting the PCC to formally submit a written request for appointment to the Authority as provided for in the Policing and Crime Act 2017.

The Authority received a letter from the PCC accepting the position but stating that the role would be undertaken by an officer. The correspondence was set out in an Appendix to the report.

Advice provided by the Home Office highlighted that as a Members of the Authority, the WMPCC would have voting rights only if the WMPCC attended the meetings or was represented by an elected member as other representatives would not have voting rights. This had been communicated as part of the consultation with the Combined Authority.

As a member of the Authority, the PCC would not be remunerated for this role. It was believed that the benefits for the WMPCC and Authority would be:

- mutual to the Police and Fire Service, providing continued and enhanced collaboration,
- a shared focus on mutually agreed areas of targeted community risk;

- support progressive reform of the Service and governance arrangements, and
- will ensure the Authority is reflective of the Authority's partnerships and enhanced scrutiny, audit and performance measurement to improve outcomes and effectiveness.

The PCC's request for full membership with full voting rights would be in the interests of greater collaboration, public safety, enhanced delivery of wider shared priorities to the communities of the West Midlands.

Members were disappointed with the time taken for the PCC to respond to their invitation and the response from the PCC. It was confirmed that the PCC would need to attend a minimum number of meetings and that the same Member's Code of Conduct would apply.

It was confirmed that the Act allows for a substitute and this was subject to local agreement of the Fire Authority. Guidance had been provided by Home Office and consultation with Combined Authority about the PCC sitting on the Fire Authority and whether the Deputy would have a vote.

The Monitoring Officer confirmed that as long as the PCC or his nominated deputy attended a meeting with would be recorded as an attendance.

It confirmed that the request for payment had been declined.

The Authority wished to continue its conversation about the benefits of interoperability and collaboration with the Police and what could be delivered in future.

It would be made clear that the only person who could vote would be the PCC or an Elected Member.

It was confirmed that the PCCs nominated representative would be the Deputy PCC.

The Chair confirmed with the Authority that they would expect consistency from the PCC's representative for continuity purposes.

**Resolved:**

**That** the West Midlands Police and Crime Commissioner's (WMPCC) request to join the Authority be approved;

**That** the request for full membership with voting rights, on the basis that the PCC as an elected member attends to enable this be approved.

95/17 **Route Map to Mayoral Combined Authority Governance - Development of Governance and Scheme**

The Authority noted the contents of the governance review and scheme which is currently being approved by local authorities.

The Authority noted the timetable of the report being presented to local authority full Council meetings and Cabinet meeting.

The change to the key milestones timeline set out in paragraph 7.3. was noted.

The Clerk provided a progress update on the Review and Scheme following a recent Policy Planning Forum for the new governance model. The Home Office will use the Scheme (subject to public consultation) in framing the statutory order.

Constituent Authorities were being consulted and any provisos would create an amended scheme. Currently provisos emerging are that fire funding would be ring fenced and Leaders would be consulted on the fire committee Chair.

The general outcomes would be presented to the WMCA programme board on Friday 24 November 2017 and the final outcomes presented to the WMCA Full Board on Friday 8 December 2017.

Following receipt of all responses and approval to move forward, a formal consultation will take place in January 2018. Officers would work with the Combined Authority and further information would be provided to Members at the Policy Planning Forum scheduled for the 11 December 2017.



There would be some further amendments to the timeline, prior to submitting scheme to the Secretary of State.

Another round of local authority approvals would be required by each constituent council in April/May and possibly October/November 2017 prior to approval by the Secretary of State.

The final three dates set out in the timeline should read December 2018 – January 2019, February 2019 and February/March 2019.

The Chair thanked Members of the Authority for their assistance in helping to achieve endorsement from the Constituent Councils as this was their opportunity to ensure that the draft order was fit for purpose.

#### 96/17 **Monitoring of Finances**

The Authority noted the Monitoring of Finances report. Appendix A showed the current position of the Revenue Budget. There was a £277,000 adverse variance in the Business Development budget but despite this there was a favourable overall revenue variance at the end of October 2017.

Appendix B of the report set out the position in respect of the Firefighter's Pension Scheme and this was in line with expectations.

The scheme analysis shown at Appendix C indicated the Capital Programme for 2017/18, which was initially set at £14.223 million. Expenditure to the end of October 2017 was shown as £1.515 million. The main forecast variances with the Capital Programme related to the Aston and Coventry Fire Stations and the Vehicle Replacement Plan. Equivalent funding will be moved to 2018/19 as part of the budget process and closedown of accounts.

The Treasurer confirmed that the delayed expenditure would improve the Authority's overall and result in an increase in interest income.

In response to another question about the variance of £188,000 to the Service Delivery Operations budget, the Treasurer stated there was a need to recognise the payments for the disturbance allowance and movements in the ridership factor. Two adjustments had been made when setting the 2017/18 budget: £800,000 for the disturbance allowance and £400,00 for ridership factor.

Management interventions had created a better than anticipated ridership factor which required less voluntary additional shifts.

In response to a Member's enquiry about the variance of £45,000 in respect of Windows and Doors shown on the capital programme, the Treasurer confirmed that a review had been undertaken on specific sites and it had been decided to undertake a full site replacement rather than on a phased replacement basis. Funding would be available in the capital programme.

The Chair thanked The Treasurer and his team in managing the finances in the period of austerity. The Chair thanked the Finance and Management team for their hard work in managing a difficult situation where there was no access to transformational funding.

## **97/17 Result of Recent Fire Safety Prosecutions**

The Authority noted a report of two prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

### **Norfolk Hotel, 267 Hagley Road, Birmingham**

A complainant identified a number of multiple failures to comply with fire safety legislation which constituted a risk of death or serious injury in the event of fire. Two co-defendants had each failed to comply with the Order which result in 10 offences against each defendant.

Both defendants pleaded guilty to 6 offences and were sentenced to 8 months' imprisonment suspended for 2 years on each of the 6 counts, all to run concurrently. Collective legal costs of £29,886.25 for bringing the prosecution were awarded against both defendants.

#### JD Sports and Scotts, Merry Hill Shopping Centre, Brierley Hill

This high-profile case relates to JD Sports and Scotts and followed a previous problem but there had been no improvements since last Christmas. JD Sports Fashion trading as JD Sports and Scotts was pursued by the Authority following a routine seasonable inspection that identified a number of failures to comply with fire safety legislation due to the blocking of exit doors and the reduction of exit corridor widths. The failures constituted 6 offences in total.

The company pleaded guilty to all offences and were fined £60,000 and was ordered to pay £7,463.52 towards legal costs. The level of fine set by the Judge sends a clear message to companies about the attention they should show towards the Order.

The award against defendants covers the legal costs incurred by the Authority in preparing the relevant prosecution file. The award also compensates for WMFS officers' time spent on each case, this amounted to £6,810.65 in the case of the Norfolk Hotel and £2,962.52 in the case of JD Sports Fashion PLC.

A discussion followed regarding the recovery of legal costs and if they are given back to Authorities who hold the statutory responsibility and ACO Taylor agreed to inform Members of the time taken to recover costs.

It was confirmed that the Norfolk Hotel has a mixture of uses but the prosecution has provided a positive and effective relationship with Fire Safety officers and the prohibition had been lifted in three day. Officer were building upon this relationship with other property owners in the area.

It was confirmed that this was a matter of public interest and a press release had been issued. A communication plan and social media plan had been put in place to build upon instances like these as an indication of what can happen and the significant fines that can be issued.

It was confirmed that an intelligence led approach had been used about the stock levels in shops and the potential threat of what can happen.

CFO thanked Authority for their support and confirmed that officers always advise before enforcing prosecutions so businesses are always made aware of their responsibilities.

98/17 **Minutes of the Audit Committee held on 4 September 2017**

The minutes of the Audit Committee held on 4 September 2017 were received.

99/17 **Minutes of the Scrutiny Committee held on 4 September 2017**

The minutes of the Scrutiny Committee held on 4 September 2017 were received.

The Chair of the Scrutiny Committee thanked the Strategic Enabler People Support and her team for the reduction in the gender gaps and achieving a better ethnic balance.

The Strategic Enabler PSS thanked the Chair for his support with this difficult area, but confirmed the positive outcome of the last recruitment campaign and agreed to inform the team of the thanks of both the Scrutiny Committee and Members of the Authority.

100/17 **Notes of the Policy Planning Forum held on 4 September 2017**

The notes of the Policy Planning Forum held on 4 September 2017 were received.

101/17 **Notes of the Joint Consultative Panel held on 18 September 2018**

The notes of the Joint Consultative Panel held on 18 September 2017 were received.

102/17 **Minutes of the Scrutiny Committee held on 9 October 2017**

The minutes of the Scrutiny Committee held on 9 October 2017 were received.

103/17 **Notes of the Policy Planning Forum held on 9 October 2017**

The notes of the Policy Planning Forum held on 9 October 2017 were received.

The meeting closed at 1212 hours.

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