

Minutes of the Executive Committee

**2nd February, 2015 at 10.00 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

- Present:** Councillor Edwards (Chair);
Councillor Idrees (Vice-Chair);
Councillors Atwal Singh, Davis, Douglas-Maul,
Quinnen and Shackleton.
- Apologies:** Councillors Aston, Finnegan and Sealey.
- Observers:** Councillors Clinton, Collingswood, Hogarth, Phillips JP,
Singh, Skinner, Spence and Tranter.

1/15 **Condolences to Members**

The Chair gave Councillor Mottram's apologies to the meeting due to the death of his wife. He offered condolences to Councillor Mottram and also to Councillor Douglas-Maul whose wife had also recently died.

2/15 **Minutes**

In respect of Minute No. 19/14 (Planned Procurement Exercise for 2015/16 – Provision of a Hydraulic Platform Vehicle), members were asked to note the removal of the first sentence of the last paragraph of the preamble.

Resolved that, subject to the amendment as indicated above, the minutes of the meeting held on 15th December, 2014, be approved as a correct record.

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3/15

Consultation with Non-Domestic Ratepayers

In accordance with the requirements of the Local Government Finance Act 1992, the Committee met to consult with representatives of non-domestic ratepayers on the setting of the Authority's budget and precept for 2015/2016.

Members noted with disappointment that no representatives of non-domestic ratepayers attended the meeting.

4/15

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 Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

5/15

High Speed Rail (London – West Midlands) Bill

Further to Minute No. 69/14 of the Fire Authority (22nd September, 2014), the Committee received a report on the progress with HS2 negotiations and the development of a legal Undertaking between the Authority and the Secretary of State for Transport. The report requested approval to the Undertaking and the granting of authority to the Clerk to sign the Undertaking on behalf of the Authority.

To support the construction of the Curzon Street (2) Viaduct, a Compulsory Purchase Order (CPO) had been applied to part of the West Midlands Fire Service Head Quarters site. HS2 intended to commence work on the site in mid 2017 with a programme of work that lasted for 4 years. There were a range of issues and concerns arising from the planned HS2 construction work, particularly around the impact of the construction works on the Staffordshire and West Midlands Fire Control suite and the safe and effective management of 999 calls and mobilising to emergency incidents.

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Fire Control was a Level 3 Critical National Infrastructure (CNI) site where security and resilience were of paramount importance. The main risks to Fire Control had been identified as noise, vibration and potential damage due to the construction works.

Minute No. 16/14 (9th June, 2014), had authorised the Chief Fire Officer to undertake negotiations with HS2. These negotiations had resulted in the development of an Undertaking between the Authority and the Secretary of State for Transport relating to High Speed Rail (London–West Midlands) Bill.

This Undertaking was a legal agreement that set out solutions and compensation for the issues outlined. In consideration of entering into the Undertaking, the Authority had agreed to withdraw the petition deposited in May 2014 objecting to elements of the High Speed Rail (London - West Midlands) Bill.

Following an analysis of the risks, officers reassured members that the long term impact of HS2 would not be detrimental to the operation of the HQ site, including Fire Control. However, officers were concerned that during the construction work there would be a period, potentially extending up to 18 months during the middle phase of the project, where the heavy civil engineering construction works might affect the operation of the Fire Control and the accessibility of the HQ site.

Negotiations had continued with HS2 to try to ensure adequate control measures were in place to mitigate the impact from the construction. HS2 had stated that their control measures were contained within the HS2 'Environmental Statement' and the 'Construction Code of Practice'. Whilst these measures dealt with the majority of the site and its operations, officers did not think the documents provided adequate control measures or the reassurance that the Fire Control would not be affected.

Following an intervention by both the Fire Minister and the Minister for Transport, it had been agreed that the Undertaking between HS2 and the Authority would provide for an independent assessment of the risks by the Chief Fire and Rescue Advisor (CFRA).

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When the Undertaking was signed, the CFRA on receipt of evidence from the Authority and HS2 would make a recommendation that either there was a need to relocate Fire Control to an upgraded facility, or that HS2 control measures were adequate and Fire Control would not require relocating during the construction period.

Whilst this decision would not be binding, it was anticipated by officers from HS2 and the Service that they would implement arrangements in line with the recommendations. If it transpired that this was not the case, the Agreement provided for the question of the relocation of Fire Control exclusively to be referred to the Select Committee in the House of Commons for determination.

There might be minor corrections required by Department of Transport (DFT) lawyers (for example typographical corrections) and authority was sought for minor omissions and non-material changes to be agreed by the Clerk to the Authority. If more substantive changes were required by DFT then a further approval would be required from the Authority.

The report also explained that compensation (including fees, officer time, management time and external costs) was assessed under the Compensation Code. This was a standard phrase that referred to the law as set out in legislation, principally the Land Compensation Acts 1961 and 1973 and the Compulsory Purchase Act 1965, as amended, and interpreted by case law.

Members felt that negotiators needed to ensure that any appropriate conditions were agreed, not just with HS2 but also within any civil engineering contracts. It might be difficult to enforce these conditions if they were only agreed with HS2. Officers undertook to protect the Authority's interests as much as possible.

It was confirmed that if the CFRA agreed with the concerns of the Service on possible disruption to the Fire Control facility then the Authority could return to the Select Committee. Members were also advised that the management of 999 calls was a statutory duty and this was the basis of the Authority's case. 999 calls would not be compromised as a secondary back up facility existed for up to 48 hours of use.

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The Chair thanked all officers who had been involved in the negotiations.

Resolved:-

- (1) that the Undertaking between WMFRA and the Secretary of State for Transport relating to High Speed Rail (London–West Midlands) Bill be approved;
- (2) that authority be delegated to the Clerk to the Authority to agree further amendments to the Undertaking for the purpose of correcting any minor omissions or non-material amendments should the need arise.

(The meeting ended at 10.25 am)

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