

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

8 April 2019 at 1100 hours at
Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor John Edwards (Chair)
Councillor Zafar Iqbal (Vice Chair)
Councillors Aston, Barrie, Barlow, Brackenridge,
Craddock, Hogarth, Jenkins, Miks, Spence, Tranter,
and Young Ms Sarah Middleton Co-opted Member
Gurinder Josan (PCC Representative)

25/19 **Apologies for Absence**

Councillor Dehar and Walsh. Mr M Ager, Independent Member and Prof. Simon Brake, Co-Opted Member

26/19 **Declarations of Interest in contracts or other matters**

There were no Declarations of Interest on this occasion.

27/19 **Chair and Chief Fire Officer's Announcements**

The Chair welcomed Gurinder Josan to his first meeting of the Authority as the representative of the Police and Crime Commissioner.

The Chief Fire Officer stated that following the decision of the Deputy Chief Fire Officer to retire and the ongoing Strategic Enabling Team Review, an internal process had been undertaken to recruit a temporary Brigade Manager. Sarah Warnes was the successful candidate and would be undertaking the role.

The CFO stated that a subsequent report would be submitted to the June 2019 AGM of the Authority for approval to run a recruitment process for a substantive Brigade Manager.

The Conservative Group gave their best wishes for the future to DCFO Phil Hales

The Chair confirmed the congratulations of the Fire Authority placed on record at the last meeting and wished DCFO Hales well in his retirement.

The CFO reiterated that DCFO Hales would be sadly missed by both the Fire Service and the National Fire Chiefs Council.

28/19 **Minutes of the Fire Authority held on 18 February 2019**

Resolved that the Minutes of the Authority held on 18 February 2019, be confirmed as a correct record.

29/19 **Route to Mayoral Governance**

The resolutions of the West Midlands Combined Authority (WMCA) on the 22 March 2019 and, in particular, the submission of the final Draft Statutory Order, received from the Home Office on 9 January 2019 to lay in Parliament, were noted.

Following a pause in the process, Officers of the WMCA and WMFS have been working together to develop proposals to mitigate the amendments made to the Order.

There was a clear will to identify a solution to locally mitigate the amendments made to the Order. Following discussions with the Home Office, the proposals set out below were identified as local solutions to enable the transfer to go ahead:

Delegation of Operational and Organisational Fire Functions to the Chief Fire Officer: The intention is to guarantee that the delegations to the Chief Fire Officer previously agreed to must be provided to the Chief Fire Officer as the person with the competencies to prepare and deliver the Integrated Risk Management Plan (IRMP).

Procedure to be followed in the event of any proposed changes to delegation: The intention of the procedure set out is to ensure a robust process is undertaken when a Mayor wishes to amend any delegation of Operational and

Organisational Fire Functions to the Chief Fire Officer. Any proposals would need full consideration through the WMCA governance processes including Overview and Scrutiny and Audit Risk and Assurance. The Chief Fire Officer would be fully engaged and consulted as a part of those processes and the final decision as to any changes would be for the WMCA Board.

Clarity that no other officer other than the Chief Fire Officer (or an officer delegated by the Chief Fire Officer) can undertake the functions as set out in the draft Order.

It was also proposed that an additional Framework of Delegated Accountability relating to the Mayor's Fire Function, be adopted into the Combined Authority constitution in addition to the amendments set out above.

Both the WMCA Officers' and the Chief Fire Officer's view is that the proposals set out provide the additional assurances required to ensure that the intent of the proposed transfer is maintained.

An explanatory guide to the WMCA constitutional framework for West Midlands Fire Service (WMFS) Fire Function was set out as an appendix to the report.

There was a commitment to reviewing Fire and Rescue governance arrangements within the next Mayoral term.

The WMCA Board approved the constitutional proposals on the 22nd March 2019 subject to the local authorities reviewing them at their Council meetings, where this was required.

The Home Office had identified the 5 June 2019 to lay the order before Parliament.

Following final consent from the Constituent Councils by the Home Office and being laid before Parliament, the Home Secretary would finally sign off the Order with a possible transfer date of October 2019.

The Chair thanked the Clerk for the work undertaken over the previous two years with the reformation of the Authority

and the transfer of governance and had delivered the work with a huge amount of skill. The last minute change had added an additional level of complexity, but this had been a first class project and on behalf of the Authority the Chair thanked the Clerk for the way in which the project had been delivered.

The Government had changed their mind on some of the key local 'asks' however, the ring fencing of budget resources were agreed to be included within the Constitution of the Combined Authority and the CFO responsibilities would also be added to the Constitution. The Chair stated that there was protection of the Mayoral Fire Committee in the Order, but felt that the safest place for the key local 'asks' was within the Order as this provided ongoing security.

The Chair stated that the Combined Authority Constitution proposals were well written and protected the key local 'asks' and were secure to a point, but in reality this was considered second best to them being included in the Order.

Two Members of the Labour Group had raised concerns about the two key asks not being in the order. The Group had looked at the model used in Manchester which had raised alarms. However, the WMCA model was much more water tight. The Labour Group of the Combined Authority had expressed their views at the meeting and their first position was to defer the decision on the 22 March 2019. However, the Mayor had moved an amendment to the recommendations at the WMCA Board meeting and sought the consent of the Constituent Authorities for the constitutional proposals, where needed, and the Order was due to be laid in June.

Following a letter to Local Authorities, Labour Group Members would be talking to their Leaders and Councils to ensure there was grass roots support and that this would be evidenced before the Transfer of Governance.

The Trade Unions had expressed their concerns about the move to the Mayor and had deeper concerns about a possible move to the Police and Crime Commissioner.

Some discussions had taken place in local Authorities with groups to ensure the detail is underpinned by evidence and the Labour Group wanted the discussions to take place to ensure that there is support for the move.

A Member from Birmingham thanked the Chair and confirmed that discussions had taken place with the Leader of Birmingham raising their concerns about the process and the Labour Group had submitted a motion about the governance arrangements for the Fire Service.

A full discussion would be held by the Labour Group and the Birmingham City Council before any agreement or response would be given by the Leader.

The Member for Solihull endorsed the Chair's views about the work undertaken by the Clerk and her team who had made the reports easy to understand and appreciated the difficulties experienced to get to the latest position. He hoped that Local Authorities would completely support the change and would be recommending the Solihull Leader to support the Order and hoped that the changes would be in place by early Autumn. The Member did not wish to see a "Brexit" situation and the Clerk was thanked again.

The Member from Wolverhampton suggested that Brexit was the correct analogy especially in respect of the last minute changes to the Order and the very short timescale of 36 hours to agree the changes. He stated that Officers had undertaken a great job, but felt that the local key asks should be robust and not compromised and should be included in the legislation and did not agree with the Joint Committee on Statutory Instruments view that the Order is required to be in its current form.

The Wolverhampton Labour Group did have some concerns and felt the final change was significant and the Member would be speaking to the new Leader of Wolverhampton City Council (when appointed) recommending the preference for the changes to be included in the Order.

The Clerk was thanked for undertaking a very professional job in the transfer of governance arrangements.

30/19 **Contact Awards Summary for period to 31 April 2019**

The Authority noted the Appendix to the report which provided a six-monthly summary of all contracts in excess of £250,000 that had been awarded since September 2018.

31/19 **Statement of Assurance 2017-18**

The Authority received the Statement of Assurance 2017-18, which is legally required to be produced and reviewed on an annual basis under the Fire and Rescue National Framework.

The government requires any Statement of Assurance to cover four key areas. These are:

- Financial
- Governance
- Operational
- Future Improvements

A revised version of the Fire and Rescue National Framework was published in May 2018 (that came into force as of 1 June). The version of the framework published in 2012 applies to the period covered by the Statement of Assurance 2017-18. The Statement of Assurance was available electronically.

Resolved that the Statement of Assurance 2017-2018 be approved.

32/19 **Pay Policy Statement 2019 – 2020**

Approval was sought to the Pay Policy Statement for the 2019/20 financial year.

The Deputy Chief Fire Officer confirmed that the Pay Policy Statement 2019/20 complied with Section 38 (1) of The Localism Act 2011 and would be available on the Internet.

The Pay Policy Statement and Appendices set out the pay of all employees, pension arrangements and confirms the Authority's commitments as a Living Wage Employer.

There were no changes of substance to the Pay Policy Statement 2018/19.

The Statement had been changed to include the 2% increase in local government employee pay rates with effect from 1 April 2019 and the restructure to the pay spine to ensure that no local government employee earns less than the Living Wage. It was noted that the West Midlands Fire Service gender pay gap information had been published on the government website.

The Chair stated that the Authority were proud that they paid their employees the National Living Wage rather than governments minimum wage.

The mean gender as at 31 March 2018 was 10.4% or £1.57 which compares favourably even in public sector. The Authority would be working towards closing the pay gap further in the future.

Resolved that the Pay Policy Statement for the financial year 2018/19 as now submitted be approved.

33/19 **Corporate Performance Indicators 2019-20 Report**

Approval was sought for the Corporate Performance Indicators for 2019/20 and the rationale that formulates the revised targets was provided.

In accordance with its planning framework, the Service had reviewed its rolling three-year corporate strategy, 'The Plan', for 2019- 2022. The revised outcomes had been approved by the Authority at the full Fire Authority meeting held on 19 February 2018 and the outcomes were set out in The Plan and were enablers to achieving the Service's vision of 'Making the West Midlands Safer, Stronger and Healthier'.

Following approval of the outcomes set out in The Plan, the Assistant Chief Fire Officer, as the lead officer for scrutiny matters, had worked with stakeholders to:

- Consider past performance

- Review the internal strategies and approaches and external influencers that would shape the 2019/20 performance and drive the target setting
- Identify the appropriate performance indicators (PIs) for 2019/20

In accordance with the Service's commitment to enabling governance through effective engagement and transparency and in line with The Constitution, officers presented the draft performance indicators to the Policy Planning Forum on the 25 March 2019 and subsequently met with the Chair of the Scrutiny Committee on 27 March 2019. At this meeting the Chair of the Scrutiny Committee recommended that the proposed corporate PIs and targets for 2019/20 be submitted to the Authority for approval.

Graduated tolerances had been reviewed after being introduced in 2017/18. These assisted the interpretation of PIs particularly where figures were small at the beginning of the year, avoiding potentially misleading performance ratings, for example a PI marked as red where the figures are only marginally above target.

The performance indicator numbers for 2019/20 remained the same as 2018/19. The targets set for 2019/20 had considered the commitment to improving services and outcomes to the community. All of the targets had been set either below or at the three-year average performance outturn.

Councillor Tranter, Chair of Scrutiny Committee, had attended all target setting meetings for 2019/20 and fully supported the targets and performance indicators as set out in the Appendix to the report.

Resolved that the Corporate Performance Indicators and targets for 2019/20 as now submitted be approved.

34/19 **Minutes of the Governance and Transformation Committee held on 28 January 2019**

The minutes of the Governance and Transformation Committee held on 28 January 2019 were received.

35/19 **Notes of the Policy Planning Forum held on 4 February 2019**

The notes of the Policy Planning Forum held on 10 December 2018 were received.

36/19 **Notes of Joint Consultative Panel held on 4 February 2019**

The Notes of the Joint Consultative Panel held on 4 February 2019 were noted.

37/19 **Minutes of the Scrutiny Committee held on 27 February 2019**

The Minutes of the Scrutiny Committee held on 27 February 2019 were received.

Cllr Tranter, on behalf of Members of the Scrutiny Committee, thanked the External Reviewer Alan Lotinger, Associate Consultant from the West Midlands Association of Directors of Adult Social Care for his work in carrying out the Review of Safeguarding. Councillor Barlow echoed Councillor Tranter's thanks.

The Chair requested Mr Lotinger was made aware of the Authority's appreciation for his work.

38/19 **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 Section 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).

39/19 **Planned Procurement Exercise**

The Authority received a report for approval of the tender exercise for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2019/20 for Insurance arrangements

Resolved that the tender exercises for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2019/20 be approved.

40/19 The Chair wished everyone well in the forthcoming Council Elections.

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