

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

20 NOVEMBER 2017

1. ROUTE MAP TO MAYORAL COMBINED AUTHORITY GOVERNANCE: DEVELOPMENT OF GOVERNANCE REVIEW AND SCHEME

Report of the Clerk to the Authority.

RECOMMENDED:

- 1.1 THAT the Authority note the contents of the governance review and scheme which is currently being approved by local authorities. An electronic link to both documents is provided in the Background papers section below.
- 1.2 Note the timetable the report mentioned in 1.1 is being presented at local authority full Council meetings and Cabinet meetings (appendix A).
- 1.3 Note the change to the key milestones timeline stated in paragraph 3.7.

2. PURPOSE OF REPORT

This report is submitted to inform members of the progress made to date in the route to Mayoral West Midlands Combined Authority (WMCA) governance of West Midlands Fire and Rescue Service (the Service) since the last report presented to the Authority and invite member comments and questions.

3. BACKGROUND

- 3.1 On the 20th February of this year Authority members approved the proposed route to Mayoral WMCA governance of the Service. Subsequently, on the 3 March the Authority secured the support of the WMCA for the proposed strategy to assume governance of the Service.

Ref AU/2011171/HB/JAC

(Official – WMFS – Public)

- 3.2 Following further research and engagement with the WMCA, and its constituent authorities, a report was presented at the WMCA board on 8th September. The paper's recommendation to prepare a Governance Review and Scheme pursuant to Sections 111 and 112 (1d) of Local Democracy, Economic Development and Construction Act 2009, was approved. These documents were prepared by way of guidance and support from the WMCA, and contributions from legal heads of service from all seven WMCA constituent
- 3.3 It is also a legal requirement section 112 of Local Democracy, Economic Development and Construction Act 2009, that a combined authority seeks the approval of all local authorities on the governance review enabling preparation of a proposed scheme which details the proposed governance model.
- 3.4 The Secretary of State will then consult with local authorities and any other parties she considers appropriate prior to making an order.
- 3.5 Constituent local authorities are currently receiving the report detailing the proposals for future governance of the Service including the governance review and scheme documents. The timetable of circulation of the report is provided below:

| LOCAL AUTHORITY | CABINET | FULL COUNCIL |
|----------------------|---------------|---------------|
| Birmingham | 14th November | - |
| Coventry | 31st October | *5th December |
| Dudley | 26th October | *4th December |
| Sandwell | 18th October | 17th October |
| Solihull | 9th November | *5th December |
| Walsall | 25th October | 13th November |
| Wolverhampton | 18th October | - |

*Awaiting outcome of meetings

3.6 Throughout this process there has also been continuous engagement with the legal departments of all seven WMCA constituent authorities. The Authority through the Clerk to the Authority, has supported and engaged with the constituent authorities through briefings and presentations to Cabinet members and attendance at full Council and Cabinet meetings where requested.

3.7 Following the consultation process with WMCA constituent authorities, a report will be presented at WMCA on 8th December detailing the responses resulting from local authority considerations and request approval to move forward to formal consultation in January 2018. A formal public consultation is in line with section 113 (3) Local Democracy, Economic Development and Construction Act 2009 and will assist the Secretary of State in her decision making on the proposed Order.

3.8 Indicative timeline of the key milestones for this governance direction:

| Details | Date |
|--|--|
| WMCA approve a governance review and scheme to be developed | 8 September 2017 |
| Development of governance review and scheme, which will consider the business case for the change in governance. | September 2017 |
| Constituent Authority approval of the content of the governance review and scheme. | October-November 2017 |
| WMCA approval of the content of the governance review and scheme. | 8 December |
| Consultation of proposals set out in the scheme on behalf of the Secretary of State (6 weeks minimum) | January – February 2018 |
| Analyse consultation responses locally | March 2018 |
| Constituent authority approval of governance review, scheme and analysis of consultation prior to submission to Secretary of State | April - May 2018 |
| Governance review, scheme and analysis of consultation reviewed by Secretary of State (4-12 weeks). | June 2018 |
| Government development of order detailing changes required in legislation to abolish WMFRA and amend legislation to enable future Mayoral WMCA governance. | July-Sept 2018 (nb.Parliamentary recess) |
| Constituent authority and WMCA approval of detail of order | Oct-Nov 2018 |
| Order amended where needed locally and enters Parliamentary process | Dec 2017 - Jan 2018 |
| Secretary of State approves order | February 2018 |
| WMFRA functions transfer to the WMCA | Feb/March 2018 |

- 3.9 Members are asked to note a change to the above timeline. The WMCA will then seek approval from its constituent authorities following the public consultation and prior to submitting a report to the Secretary of State. This will take place April – May 2018 and will delay the overall timeline by approximately 2-3 months.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The matters contained in this report will not lead to and/or do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

- 5.1 The legal implications and process for devolving powers to the WMCA are set out above in this report.
- 5.2 The proposals in this report will meet the government's expectations that all Fire and Rescue Services consider one of the alternative routes leading to reform.
- 5.3 WMFRA have been consulting with the legal heads of service from all seven constituent local authorities for advice and guidance.
- 5.4 All relevant legislation pertaining to this governance route has been detailed in the Governance Review and Scheme.

6. **FINANCIAL IMPLICATIONS**

- 6.1 The cost of this governance route has and will continue to be met from within existing approved budgets which have largely been delivered through WMFS. Support has also been provided from the WMCA and local authority Legal services.

- 6.2 Future reports will detail any additional costs that will need to be met. The financial implications for local authorities would be those arising from any resources allocated to supporting the public consultation.

7. **ENVIRONMENTAL IMPLICATIONS**

There are currently no environmental implications.

BACKGROUND PAPERS

WMFRA 20 February 2017 Route Map to a West Midlands
Combined Authority Mayoral WMCA Governance Report
WMFRA 20 February 2017 Outcomes of the Future Governance
Working Group
WMCA 3 March 2017 Route Map to Mayoral WMCA Governance
AGM June 2017
WMCA 8 September 2017
Governance Review and WMCA Scheme Report to Local
Authorities (Sandwell Metropolitan Borough Council example)
Scheme
Governance Review

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