

<p>Minutes of the West Midlands Fire and Rescue Authority</p>
--

21st September, 2009 at 11.00 am
at the Fire Service Headquarters, Birmingham

Present: Councillor Ward (Chairman);
Councillor S Davis (Vice-Chairman);
Councillors Alden, Ali Khan, Andrew, Chambers,
Clinton, G Davies, Delaney, Douglas-Maul,
Gazey, Hinton, Idrees, Jones, O'Neill, M
Robinson, Ryder, Singh, Skinner, Spence,
Stevenson, Sutton and Turner;
Mr Ager.

Apologies: Councillors Eustace, Mulhall and Tagger;
Messrs Denny and Topliss.

70/09 **Declaration of Interest**

Councillor O'Neill declared a personal interest in the item referred to in Minute No 80/09 below (Monitoring of Finances).

71/09 **Chairman's Announcements**

The Chairman welcomed Members to the meeting and made reference to the following:-

- The death in a motorcycle accident of Watch Commander Gary Nock of Halesowen Red Watch. The Authority extended its sincere condolences to Mr Nock's family.
- The death of Mel Kinsey. Mr Kinsey was one of the two longstanding flag bearers who formed the Colour Party representing the Brigade at ceremonial events throughout the country and abroad. The Authority extended its sincere condolences to Mr Kinsey's family.

The Authority observed a period of silence as a mark of respect

to the memories of both Gary Nock and Mel Kinsey.

- Senior Divisional Officers from the Hong Kong Fire Service had visited the Brigade for two days to look at the Incident Support Imaging System. They also looked at a number of general systems and at the equipment and uniform used by the Brigade. They found the visit most rewarding and presented the Brigade with a plaque in appreciation of the hospitality received.
- The Brigade had recently become a member of UVS International, which was an organisation trying to bring UAS (Un-manned Aircraft System) users together to make the regulation of such equipment standardised.
- The Authority had been notified of its Use of Resources score by the Audit Commission. The Authority had achieved a Level 3 score in spite of this year being a harder test than previously.
- The Chief Fire Officer had won the prestigious Hammer Award at this year's GG2 Leadership and Diversity Award Ceremony held in London. The GG2 Leadership and Diversity Awards Dinner was the premier ceremony highlighting and showcasing ethnic achievement.
- Alan Jones, the Assistant Estates Manager for Capital Budgets, had recently undertaken a charity cycle ride by cycling up and down the infamous Mount Ventoux, part of the route of the Tour de France cycle race.
- The Authority expressed its sincere appreciation and congratulations to Allan Parsonage, the former Headquarters Relocation Project Manager, for his highly successful management of the project to move the Brigade from the old Fire Service Headquarters to new premises in Vauxhall Road.
- The Authority was informed that details of service changes proposed to be implemented by the Warwickshire Fire and Rescue Service had been received and that a briefing would be given to the Policy Planning Forum in due course with a view to drawing up a response. It was suggested that the West Midlands Regional Management Board should also consider this consultation document.

72/09 **Minutes**

With reference to Minute No 49/09 (Governance of the Authority 2009/10) the Clerk indicated that she was awaiting information from the West Midlands Superannuation Scheme

with regard to the application of the scheme to elected members.

With reference to Minute No 53/09 (Member attendance at conferences, seminars and visits) members were advised that the Vice Chairman would be accompanying officers of the Brigade to Holland on 23rd September 2009 in connection with a European training exercise on flooding.

Resolved:-

- (1) that the minutes of the meeting held on 22nd June 2009, be confirmed as a correct record;
- (2) that the attendance by the Vice-Chairman, Councillor S Davis, at the training exercise in Holland, be regarded as approved duty for the purpose of payment of travel and subsistence allowances.

73/09 **Audit Commission – Annual Governance Report 2008/09**

Mark Stocks, the District Auditor, presented the report to those charged with governance to the Authority.

The report indicated that the Audit Commission had concluded that the Authority had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31st March 2009. The Audit Commission proposed to issue an unqualified audit opinion as soon as a small number of outstanding issues had been finalised.

The District Auditor asked the Authority to consider the matters raised in the report; take note of the adjustments to the financial statements set out in the report; take note of the value for money conclusion; approve the letter of representation on behalf of the Authority before he issued his opinion and conclusion; and to agree a response to the proposed action plan set out in the report.

The Authority noted the report and the contents of the draft management representation letter that would now be signed

by the Chairman, Chief Fire Officer and the Treasurer on behalf of the Authority.

Members indicated their satisfaction that the Audit Commission had recognised the excellent financial performance of the Authority, and with the anticipated level 3 score for the use of resources.

Assurances were given that work was already in hand to address the Audit Commission's recommendations for improvement. Members expressed some concern over the lack of clarity in the report about the level of fees to be charged to the Authority by the Audit Commission.

The report to those charged with governance would be considered further by the Audit Committee at its next meeting.

74/09 **Member Development Charter**

The Clerk reported that member development played an important role in helping councillors achieve a high standard of corporate governance and to effectively undertake their various roles.

Quality of governance was measured by the CAA Use of Resources Assessment. The assessment criteria linked to the six principles of good governance as set out in the CIPFA/SOLACE Governance Framework. The Audit Committee had recently assessed the Authority against this framework for the purposes of the annual Governance Statement. There was evidence of substantial compliance with the requirements of the framework with regard to member training and development, but also potential for improvement

West Midlands Fire and Rescue Authority – 21st September, 2009

which could be addressed by working towards the West Midlands Member Development Charter.

It was proposed that the Authority work towards the Primary Level of the Charter, which was a statement of an Authority's commitment to developing and supporting its elected members. The Charter aimed to encourage authorities to adopt a structured approach to member development and to building member capacity, which directly contributed and impacted on the performance improvement of the Authority.

As part of the agreement to sign up to the Charter the Authority was asked to nominate two Members and two officers to act as Charter assessors, who would undertake appropriate training at the Authority's expense and be prepared to carry out peer assessments in other West Midland authorities as and when required.

It was proposed to establish a member/officer working group to lead on preparation for the primary level of the Charter, which would comprise the Chairman of the Authority; the Lead Member for Human Resources; four other members and a representative of the Clerk and the Chief Fire Officer. The Chair of the Working Group would be nominated to represent the Authority on the West Midlands Member Development Steering Group.

Resolved:-

- (1) that the Authority signs up to the West Midlands Member Development Charter and elects to work towards the Primary Level;
- (2) that Councillors Spence and Turner be nominated to act as Member Development Charter Assessors;
- (3) that a Member Development Working Group be established comprising the following Members:

Chairman of the Authority (Councillor Ward);
Lead Member for Human Resources (Councillor Alden);
Councillors Andrew, Eustace, Idrees and M Robinson

and that the working group be supported by representatives of the Clerk and the Chief Fire Officer;

- (4) that the Chair of the Member Development Working Group be nominated to represent the Authority on the West Midlands Member Development Steering Group.

75/09 **Terms of Reference for the Joint Consultative Panel and Change to the Authority's Scheme of Delegation**

The Authority was informed that the Employee Relations Team had been in consultation with the Trade Unions since January 2009 to jointly agree an Employee Relations Policy for the West Midlands Fire Service.

The Employee Relations Policy had now been agreed and was based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It would govern the relationship between the West Midlands Fire Service and its recognised Trade Unions. It was not legally binding, but relied on all parties to work within a spirit of co-operation. It had also been agreed to establish a Joint Consultative Committee comprising managers and trade union officials which would meet monthly initially.

The Joint Consultative Panel (JCP) provided an opportunity for representatives of employees and the Authority to discuss matters relating to the conditions of employment and a forum for discussion to assist in the consultation process. The JCP had not met since 2004 pending discussions on its future, but it was now proposed that it would form an integral part of the employee relations structure for the Authority. Revised terms of reference for the JCP were submitted for consideration by the Authority.

Changes to the Authority's Scheme of Delegation would be necessary in the light of the proposed changes outlined above.

West Midlands Fire and Rescue Authority – 21st September, 2009

The Authority was reminded that the Special Responsibility Allowance in respect of the Chairman of the JCP had been suspended pending discussions on its future. If it was agreed that the JCP would now meet on a regular basis it was proposed that a Special Responsibility Allowance equivalent to Lead Member of the Authority be paid in respect of this role.

Resolved:-

- (1) that the draft terms of reference for the Joint Consultative Panel attached as Appendix 1 be approved;
- (2) that the existing paragraph 2.14 (Changes to Conditions) in the Authority's Scheme of Delegations be deleted and replaced with the following: "To make changes to conditions of service of the Authority's employees working within the framework of the Employee Relations Policy and Terms of Reference for the Joint Consultative Committee and Panel";
- (3) that Authority employees be appointed to serve on the Joint Consultative Panel in the proportions indicated below for the period ending with the Annual Meeting of the Authority in June 2010:

Fire Brigades' Union (2)
Fire Officers' Association (1)
UNISON (1)
Association of Principal Fire Officers (1)

- (4) that the attendance of regional trade union officials at meetings of the Joint Consultative Panel in an observer capacity, by prior agreement with the Director of Human Resources, be approved;
- (5) that meetings of the Joint Consultative Panel take place on the following dates:

7th October, 2009
15th February, 2010
19th April, 2010

- (6) that the Chair of the Joint Consultative Panel receive a Special Responsibility Allowance equivalent to a Lead Member of the Authority, and that the Members' Allowances Scheme be amended accordingly.

76/09 **Revision to Procurement Standing Order**

This item was withdrawn.

77/09 **Environmental Strategy and Adoption of the Nottingham Declaration on Climate Change**

It was reported that climate change was one of the most significant issues facing the world today. The Stern Report in 2006 highlighted the economic business case for urgently addressing the challenges of climate change. Since then, there had been various central government programmes and specific legislation, such as the Climate Change Act 2008, to actively encourage the public sector to manage and reduce their carbon emissions. The Carbon Reduction Commitment would be introduced in 2010. This was a mandatory emissions trading scheme to cut carbon emissions from large commercial and public sector organisations.

The first West Midlands Fire Service Environmental Strategy was published in March 2008 and there had been a number of successful projects resulting from this. The Service's Environmental Strategy for 2009/10 had been circulated separately to members.

Approval was sought for the Authority to sign up to the Nottingham Declaration, which was a pledge to address the causes of climate change and to prepare the local community for its impacts. It showed public commitment to the climate change agenda, and 300 Local Authorities, including Fire Authorities, had already subscribed to the Declaration.

Members made reference to the major contribution made to reduction in carbon emissions by the programme of home fire safety checks. The importance of sprinkler systems in reducing the environmental impact of fires was also noted.

Resolved:-

- (1) that the West Midlands Fire Service Environmental Strategy 2009/2010 be endorsed;
- (2) that the Authority agrees to sign up to the Nottingham Declaration.

78/09 **Total Place – Pilot Studies**

The Authority was informed that 'Total Place' was an ambitious and challenging programme that would bring together elements of central government and local agencies within a locality, to map the flow of funding, and seek to link together services, in order to identify how public money could be spent more effectively. The initiative would also look at the way services were delivered to see if the existing culture was a help or a hindrance to achievement. Each place would focus on a key theme of local importance such as unemployment or crime.

The Brigade was involved with two of the pilot areas for this initiative, Coventry, Warwickshire and Solihull, and Birmingham. This involvement was in line with National Framework document 2008-2011 which required Fire and Rescue Authorities (FRAs) to work with local partners. The Total Place pilots would involve the Service in working with a range of other services including Police, health, local authorities and other Fire and Rescue Authorities.

The Lead Corporate Board Officer for Birmingham had been involved in the initial discussions regarding its Total Place Pilot. As part of the Birmingham's 'Working for the Future' and 'Total Place' programmes, the City Council was looking to develop a 'shared services hub' in the Yardley constituency. The Service was involved in preliminary discussions regarding relocating capability currently based at Sheldon Fire Station to the hub.

West Midlands Fire and Rescue Authority – 21st September, 2009

The Lead Corporate Board Officer for Solihull had been involved in the discussions for Coventry, Solihull and Warwickshire, including attending a multi-agency summit with the Vice Chairman.

Resolved:-

- (1) that the Statement of Principles drafted by the Coventry, Solihull and Warwickshire Total Place Pilot be endorsed;
- (2) that the Authority receives further updates as and when decisions are required with regard to the Total Place pilot schemes.

79/09 Analysis of Progress towards Key Objectives – First Quarterly Report for 2009/10

The Authority noted the progress made towards delivering the Departmental and Operations Command Areas 2009/10 Action Plans. Members also noted that a detailed review of progress was carried out at a meeting between officers and the Lead Members for Performance Management.

80/09 Monitoring of Finances

The Authority received a report on the monitoring of finances for the current financial year to August 2009.

81/09 Institution of Legal Proceedings

The Authority was informed that, after consultation with the Chairman and Vice-Chairman, legal proceedings had been instituted in respect of Rapyal Meat and Poultry Limited, and against Mr Mohammed Shabir and Mr Cyrus Bassiri, for failure to comply with the Regulatory Reform (Fire Safety) Order 2005.

West Midlands Fire and Rescue Authority – 21st September, 2009

82/09 Minutes of the West Midlands Regional Management Board

The minutes of the meeting held on 23rd July, 2009 were received.

Concern was expressed that the West Midlands Regional Management Board (RMB) had decided to meet only once per year, and it was suggested that this detracted from its accountability. The Chairman indicated that special meetings of the RMB could be convened if necessary.

Members were also concerned about the lack of progress with regional fire control and its future funding. The Chief Fire Officer indicated that reports would be brought to the Authority

as appropriate with regard to the project, but in the meantime undertook to arrange for a briefing for Members on the current position.

Resolved that the acts, proceedings and recommendations of the West Midlands Regional Management Board, as set out in the minutes, be approved and adopted.

83/09 Minutes of the Executive Committee

The minutes of the meeting held on 6th July, 2009 were received.

84/09 Notes of the Policy Planning Forum

The notes of the meeting held on 7th September, 2009 were received, subject to the addition of the name of Councillor Sutton to the list of apologies.

85/09 Minutes of the Audit Committee

The minutes of the meeting held on 6th July, 2009 were received.

86/09 **Minutes of the Standards Committee**

The minutes of the meeting held on 7th September, 2009 were received, subject to the addition of Councillor Sutton to the list of apologies.

Resolved that the protocol on Member/Officer Relations attached as Appendix 2 be approved.

87/09 **Minutes of the Appointments Committee**

The minutes of the meetings held on 6th and 14th July, 2009 were received.

88/09 **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 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).

89/09 **Maintenance Contracts for Respiratory Protective Equipment (RPE) and Associated Ancillary Equipment**

Members were reminded that the Authority had previously approved the award of a contract to Draeger Safety UK for the replacement of the Brigade's respiratory protective equipment (RPE) (Minute No 57/08). The maintenance element of this contract was included as part of the tendering process, but had not yet been finalised. The cost of the maintenance element was £44,500 per annum.

Draeger Safety UK was the sole supplier of ancillary equipment required for use with the replacement RPE, and it was also proposed to award the contract for maintenance and servicing of this ancillary equipment to Draeger Safety UK, at a cost of £43,000 per annum.

West Midlands Fire and Rescue Authority – 21st September, 2009

The Authority was requested to approve an exception to procurement standing orders under paragraph 2.15(b) in respect of the award of these contracts on the grounds that the service was only obtainable from one supplier and no satisfactory alternative was available.

Resolved:-

- (1) that Draeger Safety UK be awarded the contract for the maintenance of the replacement Respiratory Protective Equipment for a period of three years (2009/12) for the sum of £133,500;
- (2) that Draeger Safety UK be awarded the contract for the maintenance of Respiratory Protective Equipment ancillary equipment, namely telemetry, entry control boards, facemask communications, personal issue facemasks, pressure gauges, repeaters and Emergency Air Supply Equipment Kits for a period of three years (2009/12) for the sum of £129,000;
- (3) that an exception to procurement standing orders be granted in respect of the contracts referred to in (1) and (2) above on the grounds that the service is only obtainable from one supplier and no satisfactory alternative is available.

90/09 Insurance Arrangements

The Authority received details of the cost of renewal of its insurances to apply from 1st October 2009.

Resolved that the recommendations set out in the report with regard to the Authority's insurance arrangements for the year commencing 1st October 2009 be approved.

West Midlands Fire and Rescue Authority – 21st September, 2009

(Meeting ended at 12.32 pm)

Contact Officer: Georgina Wythes
Democratic Services Unit
Sandwell MBC
0121-569-3791