

# **GOVERNANCE AND TRANSFORMATION COMMITTEE**

**28 JANUARY 2019**

## **1. SCOPING THE ROLE OF THE MAYORAL FIRE COMMITTEE**

Report of the CLERK

RECOMMENDED

THAT Members approve the proposed role for the Mayoral Fire Committee (MFC).

## **2. PURPOSE OF REPORT**

This report is submitted for members of the Committee to formally agree the proposals for the advisory role of MFC developed in workshops held 12 November 2018 and 10 December 2018. These proposals would require approval of the West Midlands Combined Authority (WMCA) Board subject to the laying of the Order.

## **3. BACKGROUND**

- 3.1 The Governance and Transformation Committee (the Committee) was constituted in June 2018 and held its inaugural meeting on 8 October 2018 where the Committee's purpose, scope and key assumptions were agreed.

The purpose of the committee being to establish the proposals for the terms of reference and advisory role of the MFC to be contained in the WMCA constitution.

- 3.2 On the 12th November 2018, members received a report which provided contextual backdrop to receive a presentation in workshop format, where proposals concerning the scope and role of the MFC were discussed in detail. Officers of the WMCA were also present to support the discussion.

- 3.3 As part of the workshop session on 12th November 2018, the key roles and responsibilities, including the scope and remit of the MFC, were determined from the Order, to establish the implications of these within the new governance structure. In support of this workshop session, a review of both the WMCA's and the West Midlands Fire and Rescue Authority's (Authority) Constitutions was undertaken, to identify where the current roles of the Authority could be provided for within the WMCA governance arrangements. These were presented to the committee, where agreement was received to further investigate and develop proposals for the MFC. Agreement of a timeline for this work was also provided.
- 3.4 The following elements were considered in developing the recommendations for the role of the MFC:
- MFC will be an advisory body and will not be an executive decision-making committee. Any voting undertaken by MFC will relate to MFC business only.
  - Existing WMCA governance arrangements and the responsibilities of its committees
  - Where 'gaps' were identified, that is, where provision currently does not exist within WMCA Governance arrangements, a recommendation has been provided.
  - The position of the Chairs of the following committees:
    - the Authority's O&S committee,
    - the Authority's Audit & Risk committee,
    - WMCA Overview & Scrutiny committee (WMCA O&S), and
    - the WMCA Audit Risk & Assurance committee (WMCA ARAC).
- 3.5 The outcomes of the November workshop were developed in collaboration with the WMCA and presented to members along with further background research and legal advice to enable members to make informed decisions at the workshop held on 10 December 2018.

### **3.6 Proposals for the role of MFC**

The following proposals for the role of MFC were agreed by the committee:

#### **3.6.1 Section 41 Leadership Principle**

MFC will maintain the 'leadership principle' for local authorities, aligned to the principle of the Section 41 member role as set out in the *Local Government Act 1985*.

#### **3.6.2 Local, Regional and National Representation for WMFS**

To provide local, regional and national representation for West Midland Fire Service (WMFS) on behalf of the Mayor. This would be a role delegated by the Mayor to MFC members, who would represent the Mayor's position. Voting on outside bodies such as the Local Government Association and National Joint Council would be on behalf of the Mayor.

#### **3.6.3 A Briefing Planning Forum**

An MFC Briefing to be included as a standard agenda item which provides:

- Review of WMFS performance aligned to authority leadership role
- Feedback from members aligned to local authority 'leadership' role
- Areas of consultation with Mayor, subject to roles delegated by the Mayor.

#### **3.6.4 Audit and Risk- to be provided by the WMCA (ARAC).**

Members of MFC to be co-opted onto the WMCA ARAC Sub Committee (composition to be determined):

- To provide Fire related advice and knowledge
- MFC members will not have voting rights (Voting rights cannot be provided to co-opted members of a sub-committee - *Local and Government and Housing Act 1989, section 13*)

### **3.6.5 Scrutiny – to be provided by the WMCA O&S committee.**

Members of MFC to be co-opted onto the WMCA O&S Sub Committee (Composition to be determined):

- To provide Fire related advice and knowledge.
- MFC members will not have voting rights.

### **3.6.6 Firefighters' Pension Appeals**

This is not provided for within current WMCA arrangements. It was proposed that a standalone Firefighter Appeals Panel is established, to convene when required. The panel is to be composed of the membership from within the WMCA ARAC sub-committee. The Panel must not include members from the Scheme manager role.

### **3.6.7 Appointment and dismissal of CFO**

This is an excluded function of the Mayor and would require alignment to Gold Book terms and conditions for CFOs. Should the Mayor elect to compose a panel to support this activity it was proposed that MFC would be represented on the panel.

### **3.6.8 Joint Consultative Panel (JCP)**

The role of the JCP to be undertaken by the MFC and JCP to be a standard agenda item for the MFC, subject to further review of the Employee Relations Framework (ERF) aligned to the transfer and agreement of the representative bodies.

### **3.6.9 Constitution of MFC**

It was proposed that current members of the Authority carry out the role of the MFC for an interim period from transfer up until the MFC is constituted to ensure smooth transfer and implementation of governance. This would be viable as the current composition of the Authority reflects requirements in the Order for the MFC.

### 3.6.10 G&T Committee

It was also proposed that this Committee should continue for an interim period on transfer to the WMCA to oversee and ensure smooth implementation of these recommendations.

The full outcomes report is set out in Appendix A.

### 3.7 **Developments with WMCA (Fire Functions) Order 2019**

Following WMCA Board approval of the draft Order on 14<sup>th</sup> September 2019, the draft Order was submitted by the Home Office to the Joint Committee for Statutory Instruments (JCSI) for review during December 2018. On the 9<sup>th</sup> January 2019 the JCSI presented amendments to the locally agreed draft Order, as a result the proposed laying date was not achieved. A considered update will be provided at the Committee's meeting on 28<sup>th</sup> January.

## 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 do not relate to a policy change at this stage.

## 5. **LEGAL IMPLICATIONS**

There are no direct legal implications in relation to the content of this report at this time.

## 6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

## 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](#) (17 October 2017 Sandwell Metropolitan Borough Council example)

[Scheme](#)

[Governance Review](#)

[WMFRA 20 NOVEMBER 2017](#)

WMCA Board 8 December 2017 [Mayoral WMCA Governance of West Midlands Fire Service - Governance Review and Scheme](#)  
[CONSULTATION OUTCOMES REPORT TO LOCAL](#)

[AUTHORITIES](#) (21 March 2018 Sandwell Metropolitan Borough Council example)

[WIDENING CFO Accountabilities 16 April 2018](#)

[ROUTE MAP TO MAYORAL COMBINED AUTHORITY GOVERNANCE: CONSULTATION OUTCOMES AND SCHEME SUBMISSION TO SECRETARY OF STATE 16 APRIL 2018](#)

[WMCA 14 SEPTEMBER 2018 GOVERNANCE OF WEST MIDLANDS FIRE SERVICE APPROVAL OF STATUTORY ORDER](#)

[WMFRA 17 SEPTEMBER 2018 ROUTE MAP TO MAYORAL COMBINED AUTHORITY GOVERNANCE](#)

[WMFRA GOVERNANCE AND TRANSFORMATION COMMITTEE 8 October 2018](#)

[WMFRA GOVERNANCE AND TRANSFORMATION COMMITTEE 12 NOVEMBER 2018](#)

[WMCA AUDIT AND RISK ASSURANCE COMMITTEE 12 NOVEMBER 2018](#)

[WMFRA GOVERNANCE AND TRANSFORMATION COMMITTEE 10 DECEMBER 2018](#)

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