

**Minutes of the West Midlands Fire and Rescue Authority**

**29<sup>th</sup> November, 2010, at 11.00 am**  
**at Safeside, 101 Vauxhall Road, Birmingham**

**Present:** Councillor Hinton (Chairman);  
Councillor Eustace (Vice-Chairman);  
Councillors Alden, Andrew, Bennett, Chambers,  
Clinton, Davies, Delaney, Docker, Douglas-Maul,  
Eustace, Foster, M Hill, Hodgson, Idrees, Jackson,  
Jones, Mulhall, O'Neill, Ryder, Singh, Spence,  
Stevenson, Tagger and Turner;  
Mr Denny and Mr Topliss.

**Apology:** Councillor A Hill.

70/10 **Chair's and Chief Fire Officer's Announcements**

The Chairman welcomed Councillor Singh back to the Authority following his recent appointment by Wolverhampton City Council.

The Chairman reminded Members that the annual Carol Service was to be held on 5<sup>th</sup> December, 2010, at St Martin's Church in the Bull Ring, Birmingham.

The Chief Fire Officer thanked Members for taking part in the photo shoot to celebrate the commissioning of a new hydraulic platform, the latest model of fire engine and a quick response vehicle.

The Chief Fire Officer reported on recent negative press interest in the DVD 'Firesong' which had been commissioned to promote fire prevention work with the African Caribbean community. The DVD had been produced at minimal cost and would be used widely within schools and the community and represented a good investment.

The Chief Fire Officer reported that the Welsh Assembly had

## West Midlands Fire and Rescue Authority – 29<sup>th</sup> November 2010

passed legislation which required the fitting of sprinkler systems in all new housing stock. It was hoped that this good practice would serve to encourage the introduction of similar legislation for England.

He also reported that a multi-faith conference had been hosted at Headquarters on 20<sup>th</sup> November, 2010, which had been well attended in spite of the inclement weather.

Finally, the Chief Fire Officer referred to the recent crash landing at Birmingham Airport attended by West Midlands Fire Service crews who ensured that a transplant organ and two casualties were safely removed from the aircraft. The Chairman of the Birmingham Airport Consultative Committee had commended the Service for its efforts on this occasion.

### 71/10 Minutes

**Resolved** that the minutes of the meeting held on 20th September, 2010, be confirmed as a correct record.

### 72/10 Membership of the Authority

The Clerk reported that notification had been received from Wolverhampton City Council that Councillor T Singh would replace Councillor Whitehouse on the Authority with effect from 21<sup>st</sup> October, 2010. The impact of this change in membership on representation of the various political groups on the Authority had been reviewed, but was not sufficient to make a substantive difference to political balance on Committees and Panels.

**Resolved** that Councillor Singh be appointed to replace Councillor Whitehouse on the Appeals Committee and the Standards Committee.

### 73/10 Indexation of Members' Allowances

The Clerk reported that paragraph 10 of the Members' Allowances Scheme allowed for the rates of allowances payable under the scheme to be increased in line with the

## **West Midlands Fire and Rescue Authority – 29<sup>th</sup> November 2010**

agreed pay awards to NJC Local Government Services. There had been no pay increase for NJC employees in 2010/11 and it would not therefore be possible to index Members' allowances in the current year.

### **74/10 Monitoring of Finances**

The Authority noted a report on the monitoring of finances up to the end of October 2010.

### **75/10 Trade Union Request for the Re-introduction of Elected Member Appeals Panels**

Further to Note No 12/10 of the Joint Consultative Panel held on 11<sup>th</sup> October, 2010, the Authority considered a report with regard to the request of the trades unions for the reintroduction of elected member appeals for grievance, discipline and dismissal matters. This matter had been considered by the Joint Consultative Committee and subsequently by the Joint Consultative Panel [JCP]. The Employer's Side of the JCP did not feel that there should be any further appeal at the exhaustion of the current internal appeals process, but in the light of concerns expressed by the trades unions asked the Director Human Resources to draft an appropriate process for monitoring and scrutiny of the process by elected members. A report on this matter would be made to the next meeting of the JCP.

#### **Resolved:-**

- (1) that the recommendation of the Employer's Side of the Joint Consultative Panel that no action be taken with regard to the submission of the representative bodies that a further appeal be allowed to the Appeals Committee at the exhaustion of the current internal appeals process, be approved;
- (2) that the Lead Member for Human Resources submit to the Joint Consultative Panel a regular monitoring and scrutiny report with regard to the application of the disciplinary and grievance

## West Midlands Fire and Rescue Authority – 29<sup>th</sup> November 2010

procedures.

### 76/10 **Result of Fire Safety Prosecutions**

The Authority was informed that there had been two successful prosecutions recently under the Regulatory Reform (Fire Safety) Order 2005. The first was in respect of Select and Save, 580-582 Bristol Road, Selly Oak, Birmingham, where the owner of the premises was fined a total of £5,500 and costs of £7,747. The second was Rapyal Meat and Poultry Limited, Wright Street, Small Heath, Birmingham, where the company was fined £30,000 and the company director was fined £7,500. Full costs of £9,322 were awarded in this case.

### 77/10 **Minutes of the Executive Committee**

The minutes of the meeting held on 11<sup>th</sup> October, 2010 were received.

### 78/10 **Notes of the Policy Planning Forum**

The notes of the meetings held on 11<sup>th</sup> October and 8<sup>th</sup> November, 2010 were received.

### 79/10 **Minutes of the Audit and Performance Management Committee**

The minutes of the meeting held on 11<sup>th</sup> October, 2010 were received.

### 80/10 **Notes of the Joint Consultative Panel**

The notes of the meetings held on 11<sup>th</sup> October and 8<sup>th</sup> November, 2010, were received. The recommendation set out in Note 12/10 (Elected Member Appeal Panels) had already been dealt with in Minute No 75/10 above.

With regard to the recommendation set out in Note 13/10

## West Midlands Fire and Rescue Authority – 29<sup>th</sup> November 2010

(Submission of a Matter referred from the Joint Consultative Committee relating to Facilities Time for Unison), a supplementary report was submitted, together with a letter received from the Unison Branch Chair. The Employer's Side of the JCP recommended that provided Unison was prepared to pay 50% of the cost, Unison be allowed one full time post for the financial year 2010/11.

The Chair of the JCP indicated that the Employer's Side had concluded that the Authority had behaved reasonably in allocating facilities time, and that it was not appropriate for the Authority to fund regional and national activities undertaken by the Unison representative. There was some discussion about the principle of the request for facilities time, and clarity around the definition of 'reasonable time off' for trade union duties was given.

The recommendation of the Employer's Side of the JCP was proposed and seconded and a vote was taken. The proposal was carried by 14 votes, with 11 votes against.

**Resolved** that the recommendation set out in Note 13/10 be approved.

(The following members asked that their names be recorded as having voted against the resolution: Councillors Alden, Andrew, Bennett, Delaney, Docker, Douglas-Maul, Foster, M Hill, Ryder, Stevenson and Turner.)

### 81/10 Notes of the Member Development Working Group

The notes of the meeting held on 20<sup>th</sup> September, 2010 were received.

### 82/10 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 any individual.

83/10

**Investigation into allegations made in newspaper reports by former employees**

The Clerk reported that following negative comments made by ex-employees of the West Midlands Fire Service in the local press about the actions of the Fire Authority and the management of the Service, an independent investigation had been carried out. The investigation report looked at each area where allegations had been made and recommendations were made where the investigator felt there were issues that needed to be addressed.

**Resolved:-**

- (1) that, subject to the availability of resources, the current actions to address the issues raised in the Employee Opinion Survey be increased and supported at all levels throughout the organisation;
- (2) that the three-yearly review of the workplace bullying and harassment procedure which was due in July 2010 be undertaken as a matter of priority;
- (3) that comparative statistics on the levels of disciplinary, grievance and workplace harassment and bullying be discussed at the Joint Consultative Panel and that regular reports be submitted to identify any increases;
- (4) that the monitoring of the levels of absence due to stress-related illnesses be discussed on a regular basis at the briefing sessions held between the Lead Member for Human Resources and the Director Human Resources.

**West Midlands Fire and Rescue Authority – 29<sup>th</sup> November 2010**

(Meeting ended at 11.56 pm)

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