

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

**28th June, 2010 at 11.30 am**  
**at the Fire Service Headquarters, Birmingham**

**Present:** Councillors Alden, Andrew, Bennett, Chambers, Clinton, Davies, Delaney, Docker, Douglas-Maul, Eustace, Foster, A Hill, M Hill, Hinton, Hodgson, Idrees, Jackson, Jones, Mulhall, O'Neill, Ryder, Spence, Stevenson, Tagger, Turner, Walsh and Whitehouse.

**Observers:** Messrs Ager and Topliss.

27/10 **Election of Chairman**

**Resolved** that Councillor Hinton be elected Chairman of the Authority for the period ending with the annual meeting in 2011.

28/10 **Election of Vice-Chairman**

**Resolved** that Councillor Eustace be elected Vice-Chairman of the Authority for the period ending with the annual meeting in 2011.

29/10 **Declaration of Interests**

Councillor O'Neill declared a personal interest in Minutes Nos 40/10 and 41/10 below (Statement of Accounts 2009/10 and Monitoring of Finances).

Councillor Foster declared a personal interest in Minute No 52/10 below (Planned Procurement Exercises 2010/11).

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### 30/10 Chairman's and Chief Fire Officer's Announcements

The Chairman referred to the sudden death on 6<sup>th</sup> May, 2010, of Councillor Melvin Pitt, a former member of the Authority. Members stood in silent tribute to his memory.

The Chairman welcomed Members to the Annual Meeting of the Authority. He indicated that the forthcoming year would be difficult in the light of Government announcements on public sector expenditure and that it would be necessary for Members to work together in the Authority's best interests.

The Chairman informed Members that Mr Bob Neill, the Fire Minister, had visited Headquarters on 18<sup>th</sup> June, 2010, during a visit to the West Midlands.

He also reported that Assistant Chief Fire Officer John Brown was awarded the Queen's Fire Service Medal in the Queen's Birthday Honours. Mr Brown had dedicated over 40 years to the West Midlands Fire Service and its predecessors. Members congratulated Mr Brown on his achievement.

The Chief Fire Officer welcomed new Members to their first meeting at Fire Service Headquarters. He indicated that this would be a challenging year for the Service and that the Authority would be kept fully informed of developments. New Members would receive a comprehensive induction to assist them in their new role.

Members welcomed Philip Hales, temporary Assistant Chief Fire Officer, who had been seconded from Cheshire Fire Service for six months.

The Chief Fire Officer reported that an 83-year old woman had died in a fire in the Selly Oak area of Birmingham on 27<sup>th</sup> June, 2010. An investigation into the cause of the fire was underway. He emphasised the need to protect front line services which responded to incidents such as this.

### 31/10 Minutes

**Resolved** that the minutes of the meeting held on 19th April, 2010, be confirmed as a correct record.

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### 32/10 Membership of the Authority 2010/11

The Clerk reported on the membership of the Authority for 2010/2011. It was noted that Councillor T Khan (Coventry) had resigned from the Authority and had been replaced by Councillor Walsh.

### 33/10 Questions on Discharge of Functions

**Resolved** that the following Councillors be nominated under Section 41 of the Local Government Act, 1985, to answer questions put in the course of proceedings of constituent Councils on the discharge of the Authority's functions:-

	<u>Lead Councillor</u>	<u>Substitute Councillor</u>
Birmingham	Alden	Eustace
Coventry	Mulhall	
Dudley	Ryder	
Sandwell	Hinton	
Solihull	A Hill	
Walsall	Andrew	Dougas-Maul
Wolverhampton	Stevenson	O'Neill

### 34/10 Governance of the Authority 2010/11

The Authority considered a report on governance of the Authority for 2010/2011.

A number of proposed changes to the governance arrangements were suggested including revised Lead Member portfolios; the renaming of the Appointments Committee as the Principal Officers' Staffing Committee; the extension of the functions of the Audit Committee to include an overview of performance management and its renaming as the Audit and Performance Management Committee; minor changes to the terms of reference of the Executive Committee to bring them in line with procurement standing orders; and full terms of reference for the Member Development Working Group which were recommended for approval by the Working Group.

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It was also proposed to amend the procurement standing orders in relation to the opening of tenders to allow the Clerk's representative to withdraw from the process.

If the Authority approved the recommendations set out in the report the Members' Allowances Scheme would require minor but not substantive amendment.

### **Resolved:-**

- (1) that the changes in Member portfolios as set out in the report be not approved and that appointments be made to the following Lead Member positions for 2010/11:

Lead Member for Equality and Diversity  
Lead Member for Performance Management  
Lead Member for Property Asset Management  
Lead Member for Human Resources  
Chair of the Joint Consultative Committee

- (2) that the portfolios for the Lead Members remain as those agreed in 2009/10 and set out in Appendix 1 hereto;
- (3) that no appointments be made to the posts of Deputy Lead Members;
- (4) that a post of Lead Member for Member Development be established with terms of reference as set out in Appendix 1 hereto;
- (5) that the Lead Member for Performance Management be invited to attend each meeting of the Audit Committee as an observer;
- (6) that the membership of the Executive Committee be increased by one place;
- (7) that approval be given to the terms of reference of committees, panels and working groups, as set out in Appendix 2;
- (8) that the calendar of meetings for 2010/2011 set out in Appendix 3 be approved;

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- (9) that the Members' Allowance Scheme as approved in 2009/10 be agreed for 2010/11 with the addition of a Special Responsibility Allowance for the Lead Members for Property Asset Management and Member Development as set out in Appendix 4 hereto;
- (10) that Standing Order 1/8 Procurement Procedures be amended by the deletion of reference to the Clerk in paragraph 2.11.8 as indicated in Appendix 5 hereto.

### 35/10 **Political Balance and Membership of Committees 2010/2011**

The Authority considered the constitution and political balance of Committees and the assignment of Members for 2010/2011.

The Authority had already resolved to increase the membership of the Executive Committee by one place (Resolution (6) to Minute No 34/10 refers). This would not affect proportionality.

The Authority was advised that the terms of office of the three current members of the Standards Committee expired at this meeting. The vacancies had been advertised in accordance with the Standards Committee (England) Regulations 2008. Only two applications had been received, from Mr Colin Topliss and Mr David Denny, both retiring members who were eligible for re-appointment. The Executive Committee had considered this matter as an urgent item on 7<sup>th</sup> June, 2010 and recommended to the Authority that Mr Denny and Mr Topliss be re-appointed without interview.

There was a third vacancy for an independent member on the Standards Committee. If the Authority made two appointments as independent member it would comply with the statutory requirement for independent members to make up 25% of the membership of the Standards Committee. In view of the poor response to the first round of advertising it was recommended that no action be taken to fill the third vacancy and that the constitution of the Standards Committee be amended accordingly.

The Standards Board for England also recommended that independent members be appointed for differing terms of office so that experienced members did not all retire simultaneously.

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### **Resolved:-**

- (1) that independent members be appointed to serve on the Standards Committee of the Authority as follows:

Mr Colin Topliss for a two-year term of office expiring with the Annual Meeting of the Authority in June 2012;

Mr David Denny for a four-year term of office expiring with the Annual Meeting of the Authority in June 2014;

- (2) that no action be taken with regard to the filling of the third independent member vacancy on the Standards Committee and that the constitution of the Committee be amended accordingly;
- (3) that the constitution and political balance of the Committees and Advisory Bodies established under Minute No 34/10 above for the period ending with the annual meeting of the Authority in 2011 be as set out in Appendix 6;
- (4) that the appointment of the following persons who are not elected Members to the bodies indicated be confirmed for the period ending with the annual meeting of the Authority in 2011:

#### Audit Committee

Mr Ager [without voting rights]

#### Joint Consultative Panel [without voting rights]

Mr Michael Bell (representing the Fire Brigades Union)

Mr Alan Tranter (representing the Fire Officers Association)

Ms Judy Foster (representing UNISON);

- (5) that Members and substitute Members be appointed to committees and advisory bodies for the period ending with the annual meeting of the Authority in 2011 as indicated in Appendix 7;
- (6) that the Chairs and Vice-Chairs of Committees for the period ending with the annual meeting of the Authority

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in 2011 be as indicated in Appendix 7;

- (7) that the Chair and Vice Chair of the Standards Committee be elected from amongst the independent Members at the first meeting of the Committee in the current year;
- (8) that Members be appointed as Lead Members as indicated in Appendix 7.

### 36/10 **Appointment of Representatives to Serve on Other Bodies**

The Authority considered the appointment of representatives to serve on other bodies during 2010/2011.

#### **Resolved:-**

- (1) that the Chairman (Councillor Hinton) and Councillors Jones and Alden (or their substitutes) be appointed to serve on the West Midlands Regional Management Board for the period ending with the annual meeting of the Authority in 2011;
- (2) that the Chairman and Vice-Chairman (Councillors Hinton and Eustace) and Councillors Alden and Jackson (or their nominees) be appointed to serve on the Local Government Association General Assembly for the period ending with the Annual Meeting of the Authority in 2011;
- (3) that the Chairman (Councillor Hinton) (or his nominee) be authorised to exercise the Authority's Corporate Vote at the Local Government Association General Assembly and that the Authority's General Assembly votes be as follows – Conservative 2, Labour 2, Liberal Democrat 1;
- (4) that the Chairman (Councillor Hinton) and Councillors Eustace and Alden (or their nominees) be appointed to serve on the Local Government Association Fire Service Forum for the period ending with the annual meeting of the Authority in 2011;

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- (5) that Councillor Eustace and the Chief Fire Officer (or their nominees) be appointed to serve on the Local Government Association Urban Commission for the period ending with the Annual Meeting of the Authority in 2011;
- (6) that the Chairman of the Authority (Councillor Hinton) (or his nominee) be nominated to serve as observer member on the West Midlands Local Government Association for the period ending with the annual meeting of the Authority in 2011;
- (7) that Councillor Hinton be appointed as the Authority's nominated Director of the West Midlands Fire and Rescue Services Regional Control Centre Limited Company in place of Anthony Ward whose appointment hereby terminates;
- (8) that the Vice-Chairman (Councillor Eustace) be appointed as the Authority's representative on West Midlands Road Safety Partnership for the period ending with the annual meeting of the Authority in 2011;
- (9) that the Vice-Chairman of the Authority (Councillor Eustace) be appointed to serve on the Olympic Steering Committee for the period ending with the annual meeting of the Authority in 2011;
- (10) that the Chairman and Vice-Chairman of the Authority (Councillors Hinton and Eustace) be appointed to serve on the Association of Metropolitan Fire and Rescue Authorities for the period ending with the annual meeting of the Authority in 2011;
- (11) that the Chair of the Member Development Working Group (Lead Member for Member Development – Councillor Foster) be appointed to serve on the West Midlands Member Development Steering Group for the period ending with the annual meeting of the Authority in 2011.

37/10

### **Delegations to Chief Officers**

The Authority considered the list of the powers delegated to Chief and Statutory Officers. Minor amendments were proposed, particularly in respect of property management.



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**Resolved** that the list of powers delegated to the Authority's Chief and Statutory Officers, as set out in Appendix 8, be approved.

### **38/10 Member Attendance at Conferences, Seminars and Visits**

The Authority considered a report setting out the arrangements for authorising attendance at conferences, seminars and visits.

**Resolved** that the events for 2010/2011 set out in Appendix 9 be approved for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate) subject to the necessary budgetary provision being available.

### **39/10 Governance Statement 2009/2010**

The Authority considered its Governance Statement for 2009/2010.

The Statement was based on an ongoing process designed to identify and prioritise the risks to the achievement of policies, aims and objectives and to evaluate the likelihood of those risks being realised, the impact should they be realised and to manage them efficiently, effectively and economically. The Statement had operated throughout the year ended 31<sup>st</sup> March 2010 and up to the date of the approval of the annual report and accounts.

The Statement was designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it could therefore only provide reasonable and not absolute assurance of effectiveness.

The final Statement would be signed off by the Chairman, the Clerk, the Treasurer and the Monitoring Officer.

The Audit Committee at its meeting held on 7<sup>th</sup> June, 2010 (Minute No 25/10) resolved to recommend to the Authority that the Governance Statement 2009/10 be adopted.

**Resolved** that the Authority's Governance Statement for 2009/2010 be approved.

40/10 **Statement of Accounts 2009/10**

The Authority was asked to approve its Statement of Accounts for the financial year ended 31<sup>st</sup> March 2010 and its backward looking efficiency statement for 2009/10, including amendments that were circulated to Members at the meeting relating to the collection fund and general emoluments.

The accounts had yet to be audited, and any material changes required by the Audit Commission would be reported to the Authority.

The Treasurer answered Members' queries on the accounts.

**Resolved** that the Statement of Accounts for the financial year ended 31<sup>st</sup> March 2010, and the backward looking 2009/10 efficiency statement, be approved.

41/10 **Monitoring of Finances**

The Authority noted a report on the monitoring of finances up to the end of May, 2009.

42/10 **Abolition of Comprehensive Area Assessment**

The Chief Fire Officer reported that the Coalition Government had announced that the Comprehensive Area Assessment (CAA) would be abolished and that all work in support of 2009/10 judgements would cease with immediate effect.

A letter had been received from the Audit Commission indicating that although it had started its work in support of the Authority's CAA judgement for the financial year 2009/10 no further work would be undertaken on this or any other aspect of CAA. It would continue to deliver audit in line with the Code of Audit Practice which would include the requirement to deliver a value for money conclusion and an opinion on the financial statements. An Annual Audit Letter would continue to be produced.

The Chief Fire Officer indicated that the abolition of CAA might lead to the reimbursement of a proportion of the Audit Commission's fees for 2010/11. Guidance on this matter from the Audit Commission was awaited.

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### 43/10 **Annual Report of the Audit Committee 2009/10**

The Authority received the Annual Report of the Audit Committee for 2009/10.

### 44/10 **Annual Report of the Standards Committee 2009/10**

The Authority received the Annual Report of the Standards Committee for 2009/10.

### 45/10 **Institution of Legal Proceedings**

The Authority noted that, following consultation with the Chairman and Vice-Chairman, legal proceedings had been instituted against Mr P A Khan for failure to comply with the Regulatory Reform (Fire Safety) Order 2005.

### 46/10 **Minutes of the Executive Committee**

The minutes of the meeting held on 7<sup>th</sup> June, 2010 were received.

### 47/10 **Minutes of the Audit Committee**

The minutes of the meeting held on 7<sup>th</sup> June 2010 were received.

### 48/10 **Minutes of the Standards Committee**

The minutes of the meeting held on 17<sup>th</sup> May, 2010 were received.

### 49/10 **Notes of the Policy Planning Forum**

The notes of the meeting held on 17<sup>th</sup> May, 2010 were received.

50/10 **Notes of the Member Development Working Group**

The notes of the meeting held on 19<sup>th</sup> April, 2010 were received.

The Working Group recommended to the Authority (Note 6/10) that full terms of reference for the Working Group be approved. The Authority had considered and approved these proposed terms of reference in Minute No 34/10 above (Governance of the Authority 2010/11).

The Working Group had also developed a Member Development Strategy and recommended to the Authority (Note 7/10) that this Strategy be approved.

**Resolved** that the Strategy for Member Support and Development as attached as Appendix 10 be approved and adopted.

51/10 **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 the financial or business affairs of any particular person (including the authority holding that information).

52/10 **Planned Procurement Exercises for 2010/11**

Further to Paragraph 2.11 of Standing Order 1/8 (Procurement Procedures), the Chief Fire Officer submitted a report setting out the rationale for procurement, the proposed route to market and the funding provisions in respect of a number of tender exercises.

**Resolved** that approval be given to proceed with the following tender exercises in respect of the commission of various works and the acquisition of goods and services to the Authority during 2010/11:

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Security Guarding;  
Waste and Recycling Collection and Disposal Service;  
Multi-functional printers;  
ICT hardware and associated software.

53/10 **Sedgley Fire Station**

Further to Minute No. 100/09, the Chief Fire Officer reminded the Authority that the fire engine had been removed from Sedgley Fire Station in 2008 and that the Authority had been asked to consider the future options for the site on a number of occasions.

The Authority was still incurring maintenance costs of £15,000 per annum in respect of the site, which had been subject to some vandalism which had incurred additional costs. The Fire Service National Framework required authorities to ensure efficient use of resources and to effectively manage their estates.

It was now recommended that the site be disposed of to enable funding to be re-invested on other capital stock.

**Resolved** that authority be given to dispose of the site of Sedgley Fire Station.

(Councillor Ryder asked that his name be recorded as having voted against the resolution).

(Meeting ended at 12.29 pm)

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