

NOTES OF THE POLICY PLANNING FORUM

**10 December 2018 at 1200 hours
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Members of the Authority
Councillor Edwards (Chair)
Councillor Afzal (Vice Chair)
Councillors Aston, Barlow, Brackenridge
Craddock, Jenkins, Miks, Spence, Tranter
Mr Ager

Officers: West Midlands Fire Service
Chief Fire Officer (P Loach)
Deputy Chief Fire Officer (P Hales)
A Afsar, H Begum, B Brook, S Burton,
P Fellows, M Hamilton Russell
M Hudson, M Pym, S Timmington
S Vincent, S Warnes

Clerk and Monitoring Officer

K Gowreesunker (Clerk)
Satinder Sahota (Monitoring Officer)
M Griffiths (Treasurer)

Apologies: Councillors Barrie, Dehar, Hogarth, Walsh, Young
Co-optees Simon Brake, Sarah Middleton

Observers: Nil

22/18 Chair's Announcements

The Chair wished the Members of the Authority a Merry Christmas and Happy New Year as this would be the final meeting of the year.

The Purpose of the Forum was to provide the Authority with an update on the work of the three Governance and Transformation Committee meetings that have taken place regarding the Mayoral Fire Committee.

23/18 Chief's Announcements

The Chief Fire Officer announced that Saty Nar, Fire Safety Officer, had won The Excellence in Fire & Emergency Award for the Most Influential BAME individual hosted by Fire Times Magazine.

24/18 Future Governance Update

The Clerk confirmed that the Governance and Transformation Committee had met prior to the Policy Planning Forum (PPF). This was the third meeting of the Committee where they had been developing proposals for Mayoral Fire Committee (MFC) and new governance arrangements.

The Clerk gave an update on the Order. As outlined at the previous PPF the Order was due to be laid before Parliament on the 28 November 2018. However, this had been delayed due to a backlog in third stage legal checks due to Brexit.

The Home Office expected the Order to be laid within the next 21 days and it would then progress through the process. The timelines would then be revised slightly and the Clerk was waiting to hear from the Home Office for confirmation of the date.

The Authority are planning to put the Constitution details before the Combined Authority in February for approval.

Following on from the November Workshop at the Governance and Transformation Committee, more details were required to form the proposals and had earlier on the 10 December confirmed that they were content with the suggested proposals.

The Forum were made aware of the Proposed Structure but this may change.

The key elements to the Mayoral Fire Committee relating to the Governance review, scheme and Order were:

Mayoral Fire Committee (MFC) – Section 41 Leader Leadership Principle

The G&T Committee proposed a leadership approach (aligned to Section 41) be maintained.

Revised draft proposal for approval:

MFC maintains the 'leadership principle' for local authorities, aligned to the principle of the section 41 member role as set out the Local Government Act 1985.

This role for the MFC will provide Local Authorities and communities with a link to ongoing fire delivery and will support the role of WMCA Overview and Scrutiny in understanding community impact of services provided.

Section 41 principle to be maintained as it was a critical link for representation of communities

Mayoral Fire Committee - Local, Regional and National Representation

This was included in the Public consultation.

Draft Proposal for Approval:

To provide local, regional and national representation for WMFS on behalf of the Mayor.

Mayoral Fire Committee – Policy Planning Forum

Draft Proposal for Approval

A 'Mayoral Fire Committee Briefing' to be included as a standard agenda item which provides:

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

This will ensure that Members are briefed on progress and developments in the fire sector. These briefing sessions will enable discussion around developments and feed into local authorities and enable the MFC to be consulted as appropriate in relation to budget.

WMCA Audit Risk and Assurance Committee (WMCA ARAC)

The Governance and Transformation Committee suggested that the MFC could support the ARAC by the establishment of a sub-committee with co-opted members to focus specifically on fire with voting rights.

It was determined that a sub-committee is the WMCA ARAC preferred option, MFC members can be co-opted but the exact composition is still to be determined. However, voting rights cannot be provided to co-opted members of a committee as set out in the Local Government and Housing Act 1989, section 13.

The revised draft proposal for approval:

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

- *To provide advice and knowledge*
- *Will not have voting rights*

The Chair of Governance and Transformation Committee, Councillor Aston was keen to ensure that the Fire Service was not lost in the huge agenda of the Combined Authority ARAC and was disappointed not having voting rights. He was however, happy with the compromise of the Sub Committee concentrating solely on Fire even without the voting rights being constrained by legislation.

WMCA Overview and Scrutiny Committee (WMCA O&S)

The Governance and Transformation Committee had proposed that the MFC could support the O&S function, through the composition of a sub-committee with co-opted members with voting rights to provide fire related advice and knowledge or a Task and Finish Group. It was considered important that scrutiny reviews take place so that community impacts feed directly into the WMCA.

It was determined that MFC members can be co-opted, although the exact composition of the sub-committee is to be determined. Voting rights cannot be provided to co-opted members of a committee, due to the requirements of the Local and Government and Housing Act 1989, section 13.

The revised draft proposal for approval:

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

- *To provide advice and knowledge*
- *Will not have voting rights*

Firefighter Pensions Appeals – Mayoral Fire Committee

The G&T Committee in November proposed that Appeals be undertaken by MFC for an interim period. However, the MFC cannot perform the role as this role requires decision making powers and the governance review and Order determined that the MFC would not be a decision making committee.

Firefighter pension appeals will require decisions to be made.

The revised draft proposal for approval:

- *Establish a stand alone FF Pensions Appeals Panel to convene when required*
- *Panel to be composed of a membership from within the WMCA ARAC Sub Committee*

Appointment and Dismissal of Chief Fire Officer

The Order sets out that Appointment and Dismissal of the CFO is exclusively by the Mayor.

The Draft proposal for approval is that:

A member of MFC as a stakeholder on a 'panel' for appointment of CFO, should this be established.

Joint Consultative Panel (JCP)

The G&T Committee proposed in November that the role of the JCP to be undertaken by the MFC and JCP to be a standard agenda item for the MFC

The key considerations were:

- The JCP Terms of Reference currently state that the 'employer' forms membership – currently WMFRA, under new arrangements the employer will be the WMCA
- This proposal will be subject to agreement of all locally recognised representative bodies, as the JCP is a construct within the WMFS Employee Relations Framework
- If challenged by the representation bodies other options will need to be considered
- JCP is not a decision making committee

The G&T committee considered the Terms of Reference of the JCP and that this proposal would need agreement from the Mayor and Representative Bodies. This approach would need to be transparent and subject to the Employees Relation Framework.

The draft proposal for approval:

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 ERF aligned to the transfer and agreement of the representative bodies

Next Steps

In January 2019, Cllr Edwards, the Chair, and Cllr Aston, Chair of the G&T Committee are scheduled to meet the Mayor to discuss the proposals, to provide opinions and determine support for these proposals prior to submission to WMCA for approval.

The proposals will be reported to the WMCA Board for approval on 8 February.2019

The outcome will then be reported to WMFRA to note 18 February 2019.

Details regarding process and procedure and “how it will work” arrangements will be reported to WMCA Board in March 2019 and will form part of the discussions on the Constitution.

In response to a Member’s question regarding the transfer of the Joint Consultative Panel and how this had happened in other Authorities.

The Clerk stated that in Manchester the detail of their Order was different to the Authority as its process included the Employee Relations Framework and the Authority’s approach is not reflected in other areas.

The transfer to the WMCA was focused on governance only and all organisational policies will exist following transfer. Therefore, the Employee Relations Framework and the JCP as part of this will be maintained as the forum for discussing issues with Employer.

The Monitoring Officer confirmed that the ERF will go across to the WMCA at the point of transfer and it will require development to get to that stage and will require buy in from the Representative Bodies.

The CFO informed Members that in other areas where there was a Mayor’s Model, the Manchester Mayor disbanded the Mayoral Fire Committee and there was nothing comparable.

In London, it was felt that the role was undertaken by the Mayor Deputy Mayor JDCP. However, the Fire Commissioner is the Corporation Sole and undertakes all negotiations as the employer.

The Chair confirmed that Members would continue to be updated on the progress of the transfer of Governance to the WMCA. The date for transfer is 1 April 2019, however, this may slip and could slip further dependant on political landscape.

The Governance and Transformation Committee have assumed a 1 April 2019 and how it is catered for now and with the MFC going forward.

The Authority would seek continuity by establishing a shadow MFC, with the current membership remaining in place at MFC.

Following the Elections in May, 7 Local Authority’s will be requested to nominate or replace their Members on the MFC.

The Mayor then approves those nominations, however, the Mayor can reject any one of those nominations, which was considered unlikely, but if he did reject a nomination a second nomination from a Constituent Council must be accepted.

From 1 April 2019, until after local elections, a Shadow MFC based on the current Fire Authority would continue.

The meeting finished at 1237 hours.

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