

West Midlands Fire and Rescue Authority

27 June 2022 at 1100 hours

Conducted as a public meeting at Headquarters and digitally via
Microsoft Teams

Present: Councillor Brackenridge (Chair),
Councillor Iqbal (Vice Chair),
Councillor Atwal, Councillor Barrie, Councillor Dehar,
Councillor Hogarth, Councillor Hussain, Councillor Jalil,
Councillor Miks, Councillor Miller Councillor Spence
Councillor Waters, Councillor Young. Professor S Brake, co-
opted member and Sarah Middleton, Co-opted member.

Virtual: Mike Ager – Independent Member, Wasim Ali – APCC,
Maurice Carter – Unison, Billy Holland - Fire Brigade's Union,
Richard Merker - Fire Officers Association.

73/22 To elect the Chair of the Authority for the ensuing year

Resolved:

1. That it be agreed that Councillor Brackenridge be re-elected as Chair of the Authority for the ensuing year.

74/22 To elect the Vice-Chair of the authority for the ensuing year

Resolved:

1. That it be agreed that Councillor Iqbal be re-elected as the Vice-Chair of the Authority for the ensuing year.

75/22 To receive Apologies for Absence

Apologies were received from Councillor Seamus Walsh and Steven Price-Hunt – Fire Brigade Union.

The Chair of the Authority advised that Councillor Walsh had been unwell and that flowers would be circulated to him on behalf of the authority.

76/22 Declarations of Interest

The Chair declared a personal non-pecuniary interest due to being a member of the Firefighters' Pension Scheme(s). Councillor Hogarth and Councillor Kettle declared a non-pecuniary interest due to a local government pension.

77/22 Chairs Announcements

The Chair welcomed all attendees to the meeting of the full Fire Authority, with a special welcome to the five new members joining the authority: Cllr(s) Atwal, Hussain, Jalil, Kettle and Waters.

The Chair advised that as things had begun moving to a new normality, non-decision-making meetings would continue to take place online and all members would need to attend decision-making meetings in person, unless there were exceptional circumstances.

The Chair thanked all staff and Professor Simon Brake for all their hard work setting up/assisting with the delivery of vaccines, distribution of PPE and other key areas of work throughout the pandemic. Professor Brake thanked the Chair and the Authority for the support over the last extraordinary two years. The Chair highlighted one of the key challenges the authority would face over the next year, including The White Paper consultation response and advised that members would defend the Fire Authority in its response. Councillor Hogarth echoed these comments.

78/22 Chief Fire Officer's Announcements

The Chief Fire Officer (CFO) welcomed all attendees to the meeting with a special welcome to the new members of the authority.

The CFO wished to send Cllr Walsh best wishes on behalf of the service and endorsed the comments of the Chair of the Authority.

He wished to thank both Professor Simon Brake and Andrew Thurgood who had assisted Professor Brake with the establishment of the scientific cell.

The CFO thanked all FRA members for their dedication and distributed the Platinum Jubilee coins to following members who had been eligible for the award:

- Councillor Brackenridge
- Councillor Dehar
- Councillor Hogarth
- Councillor Miks
- Councillor Spence
- Councillor Young

A special recognition was also given to Mike Ager (who had attended virtually) and Councillor Walsh. The Platinum Jubilee Coins would be posted out to them.

The CFO advised that there was a major incident ongoing in Kingstanding that had unfortunately resulted in one fatality. Lessons learnt from a similar incident over a decade ago had ensure the incident was handled effectively and as safely as possible. Praise was given to Gary Taylor and Sam Burton for their role in the on-going incident. Congratulations was given to Martin-Ward-White on his new position of Area Commander that would commence from the 4 July.

The Service has been in the final stages of preparation for the Commonwealth Games to ensure the Games are delivered safely and bring all seven local authorities together. The UK Festival of Rescue would also be taking place at the end of September 2022, with over 500 Firefighters participating. Members of the Authority were encouraged to attend the events in their local authorities.

Following queries, the Chair of the Authority confirmed that an additional Collaboration and Transformation Committee would take place in July to discuss the White Paper Consultation response and re-assured Members that they would have an input in the response prior to this meeting where it would be formally agreed.

Councillor Hogarth advised that as Cllr Barrie had been developing the response on behalf of the Conservative group, he would attend the Committee meeting on behalf of Cllr Kettle in this instance.

79/22 **Minutes of the Fire and Rescue Authority held on 14 February 2022**

Resolved:

1. That the minutes of the Fire Authority meeting held on 14 February 2022 be approved as a correct record.

80/22 **Membership of the Authority**

Resolved:

1. That it be agreed the Membership of the Authority for 2022-23 be noted.

81/22 **Questions on the Discharge of Functions**

Resolved:

1. That it be agreed that the members, as per the report, be nominated to answer questions on the discharge of functions of the Authority as required by Section 41 of the Local Government Act 1985.

82/22 **Political Balance and Membership of Committees and Panels**

Resolved:

1. That the political balance and membership of committees and panels for 2022/2023, as per the report, be approved.
2. That the current Independent Member be appointed to serve on the committees, as per the report.
3. That the appointment of co-opted members to Scrutiny Committee, Policy Planning Forum and Collaboration and Transformation Committees, be approved.
4. That the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels, as per the report be approved.
5. That the appointment of Mr. Ray Tomkinson to the role of Independent Person appointed in pursuance of Section 28 of

the Localism Act 2011, for the term of office expiring at the AGM June 2023, be approved.

83/22 Appointment of Representatives to Serve on Other Bodies

The Chair of the Authority advised that Councillor Jalil would be the nominated representative to attend the West Midlands Road Safety Partnership.

Resolved:

1. That the Authority nominated representatives serve on the bodies set out in Appendix 1 of the report, for the one-year term of office expiring with the Annual Meeting of the Authority in June 2023, be approved.
2. That it be agreed that Councillor Jalil would be the nominated representative to attend the West Midlands Road Safety Partnership.

84/22 Member Attendance at Conferences, Seminars and Visits

The Chair of the Authority advised Members that should they be interested in attending any of the events, then to contact him directly and he would look into them attending as the Chair or Vice-Chairs nominee.

Resolved:

1. That the events for 2022-23, as set out in appendix 1 of the report, for the purpose of payment of travel and subsistence allowances and conferences fees, subject to necessary budgetary provision being available, be approved.

85/22 Governance of the Authority 2022-23

The Governance of the Authority 2022-23 report was withdrawn from the agenda, as it was felt there had not been sufficient information provided within the report to make an informed decision. As the report was removed from the agenda no discussion on the item was permitted.

Resolved:

1. That the Governance of the Authority 2022-23 report be withdrawn from the agenda.

86/22 Governance Statement 2021-22

Mike Griffiths presented the Governance Statement 2021-22 report that outlined the process to identify and prioritise risks for the achievement of the Authorities policies, aims and objectives.

The authority were advised that the Governance Statement had been an annual report and covered the period up until 31 March 2022. The Governance Statement would be included within the Statement of Accounts, due to be published the end of November 2022. Mike Griffiths advised that as per the report, that the Internal Auditors had given 'reasonable assurance' that the authority had adequate and effective governance, risk management and internal control processes. This was the highest level of assurance that had been available to audit services.

Resolved:

1. That it be agreed that the Governance Statement 2021-22 be approved.

87/22 Portfolio Management (3PT)

The CFO presented the Portfolio Management (3PT) report that outlined a strategic summary of the progression of delivery of the portfolio management through 'Our Plan'.

The authority were advised that as a result of COVID and business continuity arrangements the report had been suspended and would be added to future Fire Authority agendas moving forward. As per the report, the approach taken under Portfolio Management, the outcomes and work programme of current projects and programmes were highlighted.

The Chair of the Authority praised 3PT for its effectiveness in running the service and thanked Officers for their input and hard work.

Resolved:

1. That it be agreed that the Portfolio Management (3pt) report be noted.

88/22 **Monitoring of Finances**

Mike Griffiths presented the Monitoring of Finances report that outlined the finances of the authority for the current financial year and covered revenue expenditure/capital programme.

The authority were advised that, as per appendix A of the report, the revenue budgeted and the actuals were compared up to the period 31 May 2022. The actual spend to May 2022 had been £22.177m compared to a projected budget of £22.007m. An adverse variance of £0.170m, as a result of pay budgets and increased fuel costs.

As per appendix B of the report, there had been three types of pension schemes: 1992, 2006 and 2015. As of 1st April, all Firefighters had been moved under the 2015 scheme and future Fire Authority reports would reflect this change.

The Authority were advised that, as per appendix C of the report, the capital programme for 2022-23 would be £6.4m, predominately funded by marked reserves. The Chair re-assured Members that he would persist with pushing for a capital grant at all levels and sought re-assurance from Mike Griffiths that with adverse spending had it been manageable with the current budget. Mike Griffiths advised that operational pay had been reviewed and monitored by the Strategic Enabling Team and it had been recognised that fuel and energy had exceeded the amount predicted when the budget had been set. A revised budget would be produced as part of the Authority's 2023/24 budget setting process.

Resolved:

1. That it be agreed that the Monitoring of Finances report be noted.

89/22 Pay Policy Statement 2022-23

Simon Barry, Assistant Chief Fire Officer – Temporary, presented the Pay Policy Statement 2022-23 report that outlined the new local government employee pay rates and pay awards.

The Authority were advised that the service must produce a pay policy statement for each financial year and outlined the services approach and policies, as outlined within the report. The pay award for Grey Book staff had been implemented from 1 July 2021 and Green Book staff had been applied from 1 March 2022 and backdated. Members were advised that as per the report, the gender pay gap covered the period up to 31 March 2022 and should not be compared with equal pay. The comparison had been on the average pay of women and men, not of equal pay as the service would pay the same pay scale for every role no matter the gender. There had been an increased distribution of women across the service that had been a positive move forward.

The Chair of the Authority praised the work of officers as the figures showed a move in the right direction. There had still been work to do but believed the service had been ahead of the curve.

Resolved:

1. That it be agreed that the Pay Policy Statement for the financial year 2022-2023 be approved.

90/22 Whistleblowing Policy

Satinder Sahota, Monitoring Officer to the Authority, presented the Whistleblowing Policy report that outlined the amendments made to the policy in line with current legislation.

The authority were advised that the changes made to the policy had undergone a formal consultation in February 202 for a four-week period. The key changes highlighted were:

- The role of a whistle blower to align with current government guidance.

- Information added on who would be protected by law to align with current government guidance.
- Information on who to inform and what would be expected when whistleblowing to align with current government guidance.
- Information added on confidentiality.

Resolved:

1. That it be agreed that the amended Whistleblowing Policy be approved.

91/22 Analysis of Progress of Quarterly Performance Against the Plan Qtr 4 2021-22

Gary Taylor, Assistant Chief Fire Officer, presented the analysis of progress of quarterly performance against the plan Qtr. 4 2021-22 report that outlined the progress made in delivering the three strategic priorities within 'Our Plan' 2021-2024 and the status of key performance indicators for Qtr. 4 2021-22.

The Authority were advised that the key performance indicators had been RAG rated: Blue (over performance), Green (within tolerance levels) and Red (under performance). Each performance had been categorised into the following categories: Prevention, Protection and Response work, People, Health, safety and Wellbeing and Finance/Resources.

As per appendix 1 of the report, P1 Response – all four categories of incident types had over performed against tolerance levels with the average attendance time for Category 1 incidents of 4 minutes and 43 seconds in Qtr 4. Following queries, the CFO advised that target had been set on survivability work conducted and should the target time be reduced, it could have a negative impact on other areas of response. The average time of 4 minutes and 43 seconds had been within priority areas and could be higher in other areas. Targets were reviewed on a three-year basis but monitored on a regular basis.

The service did not set targets for the number of fatalities at incidents and had been reflected within the report. Following

queries around the number of deaths per age group, Gary Taylor advised members that the service would look at behavioural factors and target those areas, but cases had been complex. Safe and Wells also had a targeted approach for those deemed as vulnerable. The target had been set on the referrals from collaborative work with partners and members were re-assured that although Qtr. 1 and 2 had been challenging, improvements had been made for Qtr. 3 and 4. There had also been a focus upon collaborative work with partners on Road Safety to assist with educating and supporting services.

It was highlighted that in 2021-22, as a result of COVID, the service had to adapt its approach to delivery of its prevention and protection services but had still been successful with the majority of targets achieving a RAG rating of Blue and Green.

90% of the workforce had declared their disability status and the service would continue to work on this to achieve the target of 95-100%. Queries were made around the appointments of Sikh workers and the status of changes to health and safety measures around both their turbans and facial hair. Gary Taylor and Simon Barry re-assured members that there had been a strategic focus on recruitment aspirations and although issues around facial hair had been challenging it had been a focus for the service and it was hoped work on this would be completed by September 2022. The Chair of the Authority stated it had to be a priority for the service and Cllr Dehar had been raising the issue with the LGA as a Champion for Equality.

Following queries around the use of apprenticeships and school leavers, Simon Barry advised members that at present there had not been a live apprenticeship for Firefighters, but the service had been looking at a leadership apprenticeship. The CFO advised that the service did pay into an apprenticeship levy and the service's approach exceeded the standards in regard to apprenticeships and had a well-developed Junior Scheme.

The Chair of the Authority thanked officers for their hard work and highlighted the need to monitor recruitment.

Resolved:

1. That it be agreed that the status of the Services key performance indicators in the fourth quarter of 2021-22 (Appendix 1), be noted.
2. That it be agreed that the progress made in delivering the three strategic priorities contained in 'Our Plan' 2021-2024 (appendix 1), be noted.

92/22 Corporate Performance Indicators 2022-23

Gary Taylor presented the Corporate Performance Indicators 2022-23 report that outlined the corporate performance indicators and their targets.

The authority were advised that targets had been set over a three-year period with performance indicators covering a one-year period. The indicators had been compared to previous performances, pre-covid, with the majority of prevention and protection PIs set at a 0% change against the three-year rolling average. It was highlighted that COVID, inflation and the crisis in Ukraine had all had an impact and was reflected within the report.

Following queries around the impact of Brexit, Gary Taylor, advised that there had been some slight supply chain issues that had impacted digital suppliers and smoke detectors.

Resolved:

1. That it be agreed that the Corporate Performance Indicators (PIs) and targets for 2022-23 be approved.

93/22 Decisions taken under Matters of Urgency

Karen Gowreesunker, Clerk to the Authority, presented the Decisions taken under Matters of Urgency. She advised the authority that the two decisions taken under Matters of Urgency were:

1. Planned Procurement Exercise for 2022-23
2. Authorities National Arrangements for the Provision of external audit services.

Both decisions had been made by the Chief Fire Officer and Chair of the Authority, in consultation with the Vice-Chair, the Clerk and Leader of the Main Opposition Group.

Resolved:

1. That it be agreed that the decisions taken and approved under Matters of Urgency be noted.

94/22 **Contract Awards Summary for Period to 30 June 2022**

Mike Griffiths presented the Contract Awards Summary report for the period to 30 June 2022 that outlined the contracts awarded in excess of £250,000 since October 2021.

The authority were advised that the following 4 contracts had been awarded, as per appendix to the report:

1. Planned works framework agreement
2. Appliance bay door maintenance
3. Liquid fuel (diesel)
4. Property disposal (Kings Norton flats)

Resolved:

1. That the summary of contracts awarded in excess of £250,000 since October 2021, as per appendix of the report, be noted.

95/22 **Annual Report of the Audit and Risk Committee 2021-22**

Councillor Miks, Chair of the Audit and Risk Committee, presented the Annual report of the Audit and Risk Committee, that outlined the work conducted by the Committee during the 2021-22 municipal year.

The Chair of the Committee wished to thank the external auditors, Tom Embury, Deputy Clerk to the Authority and Kirsty Tuffin, Democratic Services Officer, for all their support.

Resolved:

1. That the Annual Report of the Audit and Risk Committee 2021-22 be received.

96/22 Annual Report of the Scrutiny Committee 2021-22

Councillor Spence, Chair of the Scrutiny Committee, presented the Annual Report of the Scrutiny Committee, that outlined the work conducted by the Committee during the 2021-22 municipal year.

The Chair of the Committee advised the authority that due to the pandemic and business continuity arrangements that had been in place, the Scrutiny Committee had been paused until November 2021, as outlined within the report.

Resolved:

1. That the Scrutiny Committee Annual Report for 2021-22 be received.

97/22 Result of Recent Fire Safety Prosecutions

The CFO presented the Result of Recent Fire Safety Prosecutions report that outlined the result of two prosecutions: The Talbot Hotel and Pranzo Restaurant. The authority were advised that both defendants had been charged with offences contrary to the Regulatory Reform (Fire Safety) Order 2005.

The Chair of the Authority advised members that not many of these were received as the service worked well with businesses to support but recognised that in some circumstances prosecutions had to be made.

Resolved:

1. That it be agreed that the details of the fire safety prosecution be noted.

98/22 Result of Recent Fire Safety Appeal Against Prohibition Notice

The CFO presented the Result of Recent Fire Safety Appeal against Prohibition Notice report that outlined the appeal against the Prohibition Notices served on Lexx Jerkz Ltd, under Article 31 of the Regulatory Reform (Fire Safety) Order 2005.

The authority were advised that appeals had been less frequent, and the appeal made by Lexx Jerkz Ltd had been dismissed. Costs were awarded against the appellant and £3,903.10 had been awarded to WMFS.

Resolved:

1. That it be agreed that the details of the Fire Safety Appeal be noted.

99/22 Minutes of Previous Committee Meetings

Professor Simon Brake highlighted the need to approve the calendar of meetings, attached therein the Governance report (agenda item 13). The Chair of the Authority advised that there had been no issues with the dates within the report and this would be dealt with at the next meeting.

Resolved:

1. That it be agreed that the minutes of the following committee meetings, be noted:
 - Audit and Risk Committee – Monday 6 December 2021 and 21 March 2022
 - Collaboration and Transformation Committee – Monday 6 December
 - Scrutiny Committee – Monday 14 February 2022.

The meeting ended at 12:47 hours.

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