

Minutes of the West Midlands Fire and Rescue Authority

**16 April 2018 at 1100 hours at
Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor John Edwards (Chair)
Councillor Mohammed Idrees (Vice Chair);
Councillors Allcock, Aston, Atwal-Singh, Barlow,
Barrie, Booth, Brackenridge, Cartwright, Clinton,
Craddock, Davis, Douglas-Maul, Eustace, Hogarth,
Male, Miks, Mottram, Sealey, T. Singh, P Singh,
Spence, Tranter, Walsh, Williams and Young

Mr Ager, Independent Members

23/18 Apologies for Absence

Apologies were received from Councillor Kate Booth.

24/18 Declarations of Interest in contracts or other matters

None were declared.

25/18 Chair and Chief Fire Officer's Announcements

The Chair welcomed Members to the final meeting of the Fire Authority in its current form. He felt this was an historic meeting as the Authority had been in its current format since the change of Legislation in 1985. Following the Police and Crime Act 201, the Authority did not have an option to stay in the same format and had made the decision to move to Mayoral Combined Authority Governance in Spring 2019 and the Authority would continued in a Reformed Format from June 2018. Appointments would be made in the normal way and the Authority would continue in a similar manner.

The Chair wished the Members well in the forthcoming Local Elections in May and thanked everyone for their support and kindness since he commenced as Chair in 2011.

The last seven years had been the most difficult years because of budget reductions of £38m and a loss of a quarter of the workforce from support staff, firefighters and management. The Chair was proud that this had been achieved without enforced redundancies and maintaining response times, but he hoped to see the end of the cuts and better times ahead.

The political arrangements would be changing following the May Elections and the Chair wished Councillor Linda Clinton well in her new position as Lord Mayor of Birmingham.

Members noted the AFSA Conference being hosted by the Service on the 10/11 May and the Schools Quiz scheduled to take place at Safeside on the 9th June 2018.

Members were requested to complete their Third Party Disclosure forms before leaving the meeting.

The Chair informed the Authority that the Staffordshire Fire and Rescue Service would be moving under the control of the Staffordshire PCC. The Authority, Staffordshire County Council and Stoke on Trent Council had all objected to this move. The Home Secretary had agreed to the change.

The Chair stated that the Authority had made the right choice in agreeing to move to the WMCA and to continue to be part of local government, rather than be subsumed by PCC and thought the future did not good for stand-alone fire authorities.

Members of staff were welcomed to the meeting and the Chair confirmed that a statement by the local Secretary of the FBU would be made in private session following the public meeting.

The Chief Fire Officer (CFO) welcomed Mr Simon Brake, Chief of Clinical Commissioning Group.

The Authority were informed that Watch Commander Simon Griffith's condition had improved and he was now off the critical

list. He still had a long road to recovery and the Chief agreed to pass on the regards and good wishes of the Authority.

The CFO stated that two PCC Business Cases had been accepted in Staffordshire and West Mercia areas (Shropshire and Hereford and Worcester) which covered areas adjacent to the West Midlands boundary. It was confirmed that subsequent reports on the effect of these changes would be reported to the Authority.

A report would be submitted to the AGM of the Authority in June 2018 on scope of the review following the Memorandum of Understanding reached with Warwickshire County Council and Warwickshire Fire and Rescue Service.

Members were asked to support and communicate any forthcoming car washes being undertaken at fire stations raising funds for the Firefighters' Charity.

The CFO thanked everyone on behalf of Service, current and past Members, for their work together on the Fire Authority and gave his good wishes to Councillor Linda Clinton for her forthcoming Mayoral year and thanked her for her personal leadership on Road Safety in Birmingham and wider West Midlands area.

26/18 Minutes of the Fire Authority held on 19 February 2018

Resolved that the minutes of the Fire Authority meeting held on 19 February 2018, be confirmed as a correct record.

27/18 Widening Chief Fire Officer Accountabilities

The Authority noted the changing landscape of governance for Fire and Rescue Services and the impact on the role of the Chief Fire Officer (CFO).

An enabling report setting out the accountabilities had been considered by the Authority in February 2018 at both its formal meeting and Policy Planning Forum, setting out the rationale for proposed changes to CFO accountabilities, seeking to establish a widening of the current delegations to the Authority's

Constitution and there had been little change to the proposed CFO accountabilities.

The proposed accountabilities which will enable the most effective and efficient delivery of services to local communities are:

PROPOSED CFO ACCOUNTABILITIES

- 1 The proposed changes to the Constitution and CFO delegations as set out below, provide an overview of the widened accountabilities for the CFO role when compared with the current delegations provided in the constitution.
2. These proposals create clear lines of responsibility for the CFO role and aim to identify the role of the Strategic Enabling Team (SET) in the decision making process.
3. These proposals acknowledge the role of the Authority as a 'supervisory body' that ensures that West Midlands Fire Service performs efficiently and in the best interests of the public and community it serves. It means therefore that the Service is answerable for its actions and performance to the general public through the Authority.
4. The Authority remains a Corporate Body with the legal responsibility for making decisions (as set out in the constitution) about matters concerning the functions, powers, duties and responsibilities of the Authority, which are invested in it by statute and/or common law.
5. The proposed CFO accountabilities which will enable the most effective and efficient delivery of services to local communities are as set out below:
 - 5.1 **Full accountability of the CFO as Head of Paid Service for leading the Fire Service, setting the direction and culture of the service. *This will be achieved with direct involvement of the Strategic***

Enabling Team providing for a more cohesive working environment.

- 5.2 The CFO is accountable to the Authority for delivering against the requirements of the Fire and Rescue Services Act, National Framework, Regulatory Reform Order, Civil Contingencies Act and other appropriate enabling legislation.**

These responsibilities will be achieved with direct involvement of the Strategic Enabling Team providing for a more cohesive working environment.

- 5.3 The CFO is accountable for the preparation of the Integrated Risk Management Plan and the Strategy (The Plan) for the Authority to consider and approve.**

- 5.4 Aligned to 5.5.3 above, the CFO and Section 151 Officer will propose an annual budget to enable effective and efficient delivery of the strategic priorities, for the Authority to consider and approve.**

- 5.5 Operational independence of the CFO to deliver the strategic priorities as agreed by the Authority, aligned to the IRMP and The Plan. This will be achieved through the efficient and effective delivery of prevention, protection and response services to communities, enabled through accountability for decisions which, aligned to both organisational strategy and budget, will determine:**

- a) The staffing structure of all fire service workforce.** *Changes to this will be determined within the existing processes and policies of the Service and managed with the SET. The Employee Relations Framework provides a robust and transparent framework for engagement, consultation and/or negotiations regarding the future shape and structure of the*

workforce. Any changes which will (or has the potential to) impact on the delivery of the strategy will be communicated to inform the Authority using existing and/or reformed governance structures.

- b) **Workforce planning and development to support Service transformation in the delivery of both current and future strategy.** *Workforce development is a national priority as the type, number and scale of incidents are changing.*

The workforce of the future for many fire services needs to be capable of providing prevention, protection and response services that stretch wider than the traditional and will see fire fighters working with and alongside other professions to deliver core services (i.e. police, ambulance, healthcare).

SET will work with the CFO to determine an evidence based approach to the transformation of services enabled through the development of the workforce, which enables the delivery of the Authority's strategy aligned to the agreed efficiency plan and budget.

As with a) the ERF will provide the established procedure by which staff and representative bodies will be engaged, consulted and negotiated with. The Authority will be engaged as appropriate through the Joint Consultative Panel as set out in the ERF.

- c) **The CFO is accountable for the management and allocation of assets and fleet to support the most effective staffing structure, delivery of services and SDM.** *The CFO will be accountable for the approval, movement and usage of these.*

The SET will support the delivery of these accountabilities as delegated by the CFO.

- d) **The delivery of added value through the development and management of agile digital solutions.** *Driving change through moving from managing assets to services.*

5.7 CFO engagement in collaborative partnerships with other emergency services, as defined in the Policing and Crime Act 2017, and other public service providers.

This will be aligned to enabling the delivery of strategic priorities, where it is in the interests of efficiency and effectiveness and public safety to do so.

The CFO will engage with the Authority through meetings of the Policy Planning Forum and Fire Authority to vary the strategic objectives if needed and to inform of progress.

The above areas of proposed accountabilities will be reviewed against the Authority's standing orders to ensure each provides sufficient flexibility to enable effective decision making.

These widened accountabilities will remain open to the same transparency and scrutiny arrangements which currently exist within the Authority governance committee framework, as well as that provided for by both internal and external audit services.

Resolved:

1. That the changes proposed for CFO and officer accountabilities, set out in section 5 above, be approved.
2. That the Clerk amend the Authority constitution articles 4, 15 and part 3 scheme of delegations in line with resolution 1.

28/18 **West Midlands Fire and Rescue Authority Governance**
Consultation outcomes report

The Authority noted:

1. The outcomes of the public consultation on the governance of West Midlands Fire Service (The Service) by the West Midlands Combined Authority (WMCA);
2. the amendments made to the indicative timeline;
3. the outcomes of WMCA constituent councils' Cabinet meetings to date on the consultation outcomes report;
4. the proposed next stages of the governance route – submission of scheme and governance review to the Secretary of State for the Home Office.

Members had recently received an update on the progress of the Route Map to Mayoral Governance at a recent Policy Planning Forum.

Five of the seven Constituent Councils had agreed the recommendations set out in the report. Following the approval of the two remaining Council Cabinet meetings, the proposal will be submitted to the West Midlands Combined Authority on the 25 May 2018 for approval with the aim of submitting the governance review, scheme and analysis of consultation to be reviewed by the Secretary of State in June 2018.

Receipt of the draft order from the Home Office was anticipated following the Summer recess 2018. To allow for effective adherence to the timeline, it had been requested of constituent councils that authority is delegated to the Leader and Chief Executive as required, to consider the draft order and provide consent to the order being laid before Parliament to enable the proposed governance changes, on behalf of the constituent councils.

The West Midlands Combined Authority Scheme, The “Have Your Say” Future governance of West Midlands Fire Service

Consultation and a Summary of Consultation Responses were attached to the report as appendices.

Letters of support had been received in support of the proposals.

The highest area of Don't Know responses received were in relation to Question 5 of the questionnaire with 55 respondents choosing this option which equated to 5% of the responses received indicating a lack of understanding for local improvement.

29/18 **External Audit Work Programme and Scale of Fees for 2018-19**

The Authority noted the external audit work programme and scale of fees for the 2018/19 audit work to be undertaken by Grant Thornton UK LLP.

An exercise to outsource the public body audit work of the Audit Commission's in-house audit practice had been undertaken, the contract for undertaking of the external audit of the Authority was awarded to Grant Thornton UK LLP.

The majority of Authority's opted in to the Public Sector Audit Appointments Ltd (PSAA) arrangements.

The 2018/19 Work Programme as outlined in the Appendix to the report is very similar to what has taken place over the last few years consisting of an audit of financial statements, audit work to enable a value for money conclusion and on the Whole of Government Accounts (WGA) return and the scale of fees proposed for the delivery of the 2018/19 is £29,750, a reduction of £8,886 compared to the 2017/18 fee of £38,636.

The Authority thanked the Treasurer and his team for the high quality of leadership and the savings made.

The Treasurer thanked the Authority and confirmed that he would pass the Authority's thanks onto his team, who delivered high quality work that was not always visible.

30/18 **Contract Awards Summary for period to 31 March 2018**

The Authority noted the Appendix to the report which provided a six monthly summary of all contracts in excess of £250,000 that had been awarded since September 2017.

31/18 **Statement of Assurance 2016/17**

The Authority received the Statement of Assurance 2016-17, which is legally required to be produced and reviewed on an annual basis under the Fire and Rescue National Framework.

The government requires any Statement of Assurance to cover four key areas. These are:

- Financial
- Governance
- Operational
- Future Improvements

In answer to a Member's enquiry, it was confirmed that a new forward would be added before the Statement was issued. The correct links would also be added to the document.

The Chair confirmed that the Authority was setting a balanced budget for 2018/19 and the Treasurer confirmed that the Statement of Accounts covered the year 2016/17 and felt it would be appropriate to recognise the context and identification of the general balances.

Over the next twelve months, it would be useful to include this in context of the report, however for the period that the Statement of Assurance covers it was not felt appropriate to make reference to this.

Alternative funding had been discussed at Policy Planning Forums and the issues in terms of the period being covered had been recognised in the current closedown of accounts where the legitimate use of reserves had been recorded.

The CFO stated that the Statement took a retrospective view and the outcomes of the Kerslake Report and revised National Framework were not reflected in the Statement, but would feature in future Statements of Assurance.

It was agreed that the updated Forward would be circulated to Members and Statement of Assurance would be published with the new Forward.

Resolved that the Statement of Assurance 2016-17 be approved.

32/18 **Notes of the Policy Planning Forum held on 5 February 2018**

The notes of the Policy Planning Forum held on 5 February 2018 were received.

33/18 **Minutes of the Scrutiny Committee held on 26 February 2018**

The minutes of the Scrutiny Committee held on 26 February 2018 were received.

34/18 **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 Scheduled 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006 relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

FBU members were requested to stay for the beginning of the private session only.

34/18 Statement by West Midlands Branch Secretary of Fire Brigade Union

The West Midlands Branch Secretary of the Fire Brigades Union addressed the Authority with reference to commissioning work, the 'Fired it Up Campaign', Back Home Safe and Well visits, their public petition, new entrant contracts and the basis of the trade dispute issued to the Authority on the 11 April 2018.

35/18 Management Response to Members

The Chief Fire Officer confirmed that the Clerk had received a letter from the General Secretary of the Fire Brigades Union on the 11 April 2018 setting out five areas to be addressed by the Authority and a response was required by the 23 April 2018 to avert a ballot for industrial action.

A discussion took place on the speech made by the Secretary of the West Midlands Branch of the FBU and the letter received from the General Secretary of the FBU.

The meeting concluded at 1237 hours.

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