

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**20 NOVEMBER 2017**

## **1. ROUTE MAP TO A MAYORAL WEST MIDLANDS COMBINED AUTHORITY GOVERNANCE – Representation from West Midlands Police and Crime Commissioner**

Report of the Chief Fire Officer.

RECOMMENDED

1.1 THAT the Authority approve the West Midlands Police and Crime Commissioner's (WMPCC) request to join the Authority.

1.2 THAT the Authority approves the request for full membership with voting rights, on the basis that the PCC as an elected member attends to enable this.

## **2. PURPOSE OF REPORT**

This report is submitted to inform the Authority of the invite to and subsequent request from the WMPCC to join the Fire Authority and to support the Authority's decision in response to this request.

## **3. BACKGROUND**

3.1 On 20 February 2017 the Authority recognised and approved a strategy and indicative timeline for the reform of the Authority as part of the route for the Mayoral WMCA governance of West Midlands Fire Service (the Service).

3.2 Following this on 10 April 2017 the Authority agreed to a number of recommendations including delegating authority as required to the Clerk and Monitoring Officer to action the required route to a reformed Fire Authority. This included:

- a) Preparation and submission of an application for appropriate revisions to the Local Government Act 1985, Schedule – 2 – Ref. AU/2017/Apr/22403172 10 (Part VI) in consultation with the Chair of the Authority.
  - b) Seeking appropriate consents for a reduction in the number of appointments to the Reformed Fire Authority (RFA) from its constituent Local Authorities as well as seeking appropriate appointments of co-opted members to the RFA.
  - c) The preparation of draft revisions to the Authority's Constitution, Standing Orders, Committee Structure and Committee Terms of Reference and any other relevant governance documentation for consideration on implementation of the RFA.
  - d) The preparation of appropriate draft revisions to the Authority's Scheme of Delegation as set out in the Constitution for consideration on implementation of the RFA.
  - e) The initiation of a review of the Members' Allowances Scheme in accordance with statutory requirements.
- 3.3 As part of point b) above, the Authority resolved to reduce its Members from 27 to 15, streamline its committee systems and invite 4 co-opted members to the Authority. These members were identified as adding value by increasing opportunities for collaboration, overall effectiveness and delivery of public services.
- 3.4 The four bodies identified to provide the above-mentioned value were: WMPCC, West Midlands Ambulance Service, Public Health and the WMCA. Provisions for independent and non-elected members is present in The Localism Act 2011 and Section 15-17 of the Local Government and Housing Act 1989 respectively.

- 3.5 The Chair of the Authority subsequently wrote to the WMPCC on 9<sup>th</sup> May to invite the PCC to formally submit a written request for appointment to the Authority as provided for in the Policing and Crime Act 2017. The letter also stated that upon receiving a request from the WMPCC, the Authority would:
- a) consider the request;
  - b) provide a decision with reasons, and
  - c) publish those reasons in an appropriate manner.
- 3.6 On 1<sup>st</sup> September 2017, the Authority received a formal letter of request from the WMPCC stating that this role on Authority would be delegated to an officer on behalf of the WMPCC. Both these letters are set out in Appendices 1 and 2.
- 3.7 Advice provided by the Home Office has highlighted that as a Member of the Authority, the WMPCC will have voting rights only if the WMPCC attends. However, any representatives for the WMPCC will not have voting rights as this power can only be exercised by an elected member.
- 3.8 As a co-member of the Authority, the WMPCC will not be remunerated for this role. It is believed the value and benefits for the WMPCC and Authority will be mutual. Benefits would include:
- continued and enhanced collaboration between Police, Fire and Rescue Services;
  - a shared focus on mutually agreed areas of targeted community risk.
  - Supporting progressive reform of the Service and governance arrangements.
  - This will also ensure the Authority is reflective of the Authority's partnerships and enhance scrutiny audit and performance measurement to improve outcomes/effectiveness.

- 3.9 It is recommended that the Authority accept the WMPCC's request and provides a position of full membership with voting rights on the basis the WMPCC takes up this position. This is in the interests of greater collaboration, public safety and enhanced delivery of wider shared priorities to the communities of the West Midlands.

#### 4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required. An assessment was carried out as part of 10 April report which identified that there were no equalities implications and determined that no further assessment was required.

#### 5. **LEGAL IMPLICATIONS**

The following legislation enables the changes raised in this report:

1. The Localism Act 2000.
2. Local Government Act 1985, Section 29 and Schedule 10 (Part 6).
3. Local Government and Housing Act 1989, Sections 15 to 17 and Schedule 1.
4. Local Government (Committees and Political Groups) Regulations 1990 [SI 1990 No. 1553].
5. Policing and Crime Act 2017.

#### 6. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### 7. **ENVIRONMENTAL IMPLICATIONS**

There are currently no environmental implications arising from this report.

**BACKGROUND PAPERS**

20 February 2017 Fire Authority Paper – Route Map to Mayoral  
WMCA Governance

3 March 2017 WMCA Board Paper – Route to Future Governance

20 February 2017 Public Consultation Outcomes report

20 February 2017 Fire Authority report – Outcomes of the Future  
Governance Working Group

10 April 2017 Route Map to a Mayoral West Midlands Combined  
Authority Governance – A reformed Fire Authority (RFA)ROUTE MAP

The contact name for this report is Karen Gowreesunker, Clerk to the  
Authority, telephone number: 0121 380 6678.

PHIL LOACH  
CHIEF FIRE OFFICER



Fire Service Headquarters,  
99 Vauxhall Road, Birmingham B7 4HW

## Appendix 1

Mr. David Jamieson,  
West Midlands Police and Crime Commissioner,  
Lloyd House,  
Colmore Circus Queensway,  
Birmingham B4 6NQ

**Date:** 9 May 2017  
**Your Ref:**  
**Our Ref:** PT10905171/JE/LH  
**Tel No:** 0121 380 6906  
**Please ask for:** John Edwards

Dear David,

### **Your involvement on a Reformed West Midlands Fire and Rescue Authority**

I am writing on behalf of West Midlands Fire and Rescue Authority (the Authority) to inform you of the changes recently agreed by the Authority as part of its route to Mayoral WMCA governance arrangements.

On the 10<sup>th</sup> April 2017, the Authority resolved to reduce its Members from 27 to 15, streamline its committee systems and invite four co-opted members to the Authority with the prime intent of increasing collaboration and overall effectiveness.

A clear direction from a collaboration and engagement perspective was for the West Midlands Police and Crime Commissioner to become an appointed member of the Fire Authority. As such I invite you to formally submit your written request for appointment to the Authority as outlined in the Policing and Crime Act 2017.

### **Further to your participation on the Future Governance Working Group (the Working Group)**

Further to your office's participation and contribution to the *Working Group's* appraisal of the agreed governance options that supports West Midlands Fire Service's (WMFS) delivery of services, the Authority has received and noted the report of the independent chair. The Authority has also considered public's response to the recent consultation, which has reinforced the Authority's direction and with the local support of the WMCA Board, the Authority is now in the early stages of this journey.

Ref. AUTH/2017/20311172/GVH

(Official – WMFS – Public)

As part of this reform the Authority has considered how its work may be enhanced through your office's continued engagement as an appointed Member on the RFA.

It is the Authority's intention that as a co-opted member you will be able to engage in Authority business. Upon receipt of your request the Authority will:

- a) consider the request,
- b) provide a decision with reasons, and
- c) publish those reasons in an appropriate manner.

It is possible that if your request is received prior to the end of May 2017 this appointment could commence on the Authority's AGM on 27th June 2017.

Please direct your response to: The Clerk, West Midlands Fire and Rescue Authority, c/o Karen Gowreesunker: [Karen.Gowreesunker@wmfs.net](mailto:Karen.Gowreesunker@wmfs.net)

Please do not hesitate to contact me if you have any questions.

Thank you for your support in *Making West Midlands Safer, Stronger and Healthier*.

Yours sincerely,



Councillor John Edwards, Chair  
**West Midlands Fire and Rescue Authority**

## **Appendices**

Appendix 1 – Future Governance Working Group Report (20 February 2017)

Appendix 2 - WMFRA report: 'Route Map to Mayoral Governance' (20 February 2017)

Appendix 3 - WMFRA report – 'Route map to Mayoral West Midlands Combined Authority Governance – a Reformed Fire Authority (RFA) and decision (10 April 2017)

Appendix 4 – WMCA Board Minutes (3 March 2017)

Copies to: Phil Loach, WMFS  
John Edwards, WMFS  
Karen Gowreesunker, WMFS  
Brandon Lewis, Home Office  
Kate Yeung, Home Office

Ref. AUTH/2017/20311172/GVH

Please ask for : Mark Kenyon

wmpcc@west-midlands.pnn.police.uk  
Telephone Number: 0121 626 6060



west midlands  
police and crime  
commissioner

Our reference: 2017-01138

Councillor John Edwards  
Chair  
West Midlands Fire and Rescue Authority  
Fire Services Headquarters  
77 Vauxhall Road  
Birmingham  
B7 4HW

01 September 2017

Dear *John Edwards*,

Further to your letter dated 2 August 2017 in relation to me having a full voting position on the West Midlands Fire and Rescue Authority (WMFRA) and any future reformed Fire Authority please see my comments below.

The merit of Police and Crime Commissioners having voting positions on a Fire Authority is less than clear with the main benefit of the Police and Crime Act being the collaboration requirements between organisations. This will enable organisations to be more efficient and effective without the need for Police and Crime Commissioners being a member of a Fire Authority.

However, I am willing for a senior member of my office to represent me on WMFRA. Therefore please treat this letter as a formal request to take up the position at WMFRA.

I am disappointed that you are unwilling to consider paying an allowance to my office for attendance at Fire Authority meetings. This would not be a payment to an individual but rather my office to offset general office and support costs. I would have thought this to be reasonable given other members of the Fire Authority receive personal allowances.

Ref. AUTH/2017/20311172/GVH





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Ref. AUTH/2017/20311172/GVH

(Official – WMFS – Public)