

West Midlands Fire and Rescue Authority

5 October 2020 at 1100 hours

held digitally via Microsoft Teams

Present: Councillor Brackenridge (Chair)

Councillor Iqbal (Vice Chair)

Councillors Barrie, Barlow, Dehar, Edwards, Gill, Hogarth, Jenkins, Miller, Miks, Spence, Young and Walsh

Mr G Singh Josan (Representative of the Police and Crime Commissioner)

Professor S Brake, co-opted member – health

Mr M Ager, Independent Member

Maurice Carter (Unison), Steve Price Hunt (Fire Brigade's Union), and Kevin Rowsell (Fire Officers' Association).

23/20 Apologies for Absence

Apologies were received from Councillor Cooper, and S Middleton, co-opted member – business.

24/20 Declarations of Interest

The Chair and Councillor Edwards declared a personal non-pecuniary interest in; item 11 Statement of Accounts, item 12 Consultation on Removing Age Discrimination from Public Pensions and item 13 Monitoring of Finances, due to being members of the Firefighters Pension Scheme(s). Councillor Barlow and Professor S Brake declared a personal non-pecuniary interest

in; item 11 Statement of Accounts, item 12 Consultation on Removing Age Discrimination from Public Pensions, and item 13 Monitoring of Finances, due to being members of the Local Government Pension Scheme.

25/20 Chairs Announcements

The Chair welcomed all attendees to the meeting, the first meeting of the full Fire Authority held digitally.

The Chair had undertaken an interview with Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) as part of the recent Covid 19 related inspection.

The representative bodies were thanked for their involvement in enabling the tri-partite agreement allowing the undertaking of additional activities.

It was noted that the Service worked with all stakeholders in delivering additional activities related workstreams.

The earlier investment in the Service's digital capability had paid dividends enabling the move to different ways of working as a result of the continuing pandemic.

It was noted that in a recent forum with the Fire Minister, topics discussed had included Grenfell, funding, pensions and pay.

The latest successful group of firefighter recruits would be welcomed by the Chair at their pass out parade.

26/20 Chief Fire Officer's Announcements

The Chief Fire Officer welcomed all attendees to the meeting.

The HMICFRS had commended the Service's approach to staff engagement during the inspection. The HMICFRS had not identified any immediate areas of concern but would raise a couple of areas for further consideration, for example business continuity.

The United Kingdom had returned to level four of the Government alerting system. The Chief Fire Officer would discuss with the

Chair the return to statutory meetings and additionally, how to return to normal.

It was noted that the Service was following the Manchester Arena Inquiry and its outcomes.

The Service had taken on the latest group of recruits in light of Covid 19. This was thanks to the combined efforts of Organisational Learning and People Development, People Support Services and the Scientific Cell to enable this to happen.

A Member stated that the performance of staff over the last six months in terms of absence rates, the service provided, and ensuring safety etc. was astonishing. The behaviour of firefighters, back office staff and technical advisors was highly efficient and productive. The Member thanked the Chief Fire Officer and all staff.

The Chair noted that he could not agree more with the views of the Member. Officers had monitored the situation closely and had maintained Briefings with Members.

The Chief Fire Officer noted that it was very much a joint effort between managers, staff, representative bodies and stakeholders to ensure the resilience of core services and to enable support to Covid 19 related activities. The Chief Fire Officer thanked all staff and stakeholders.

27/20 Minutes of the Fire and Rescue Authority 17 February 2020

Resolved that the minutes of the Fire Authority meeting held on 17 February 2020 be confirmed as a correct record.

28/20 Portfolio Management (3PT)

The report provided a strategic summary on the progress of delivery through 'Our Plan' based on the continual assessment of investment and value release within the three programmes of People, Process and Culture enabling progression of the Portfolio Management to be tracked.

The Chief Fire Officer noted that the report covered the forums set up to maintain work during the pandemic, enabling the Service to undertake core services and to support other organisations.

In answer to Members' questions, the following points were raised:

- The Service had evaluated what actions it undertook when the country was in level four of the Government alerting system. The subsequent findings would be taken into account as the country went back into level four of the alerting system.
- The Service was ensuring that guidance remained fit for purpose whilst maintaining that there was no complete lockdown this time and therefore, a higher level of fire service activity being undertaken as the retail and leisure sectors remained open. The workloads of Fire Safety Officers had increased, for example one-way systems applied at some retail premises didn't always comply with fire safety regulations and guidance was required. Fire Safety Officers had to visit sites where they utilised infection, prevention, control; non-personal protective equipment (social distancing, etc) was the first level of protection, scaling up to full personal protective equipment where required.
- With current levels of fire service activity higher than when previously in level four, it was important to ensure expectations were managed tying in with the tripartite agreement and the undertaking of additional activities.
- There were proposals to increase the frequency of engaging with and updating of Members using an increased schedule of Policy Planning Forums etc.
- Prevention work would continue whilst at level four, continuing to engage with the most vulnerable in our communities. Engagement would be via digital where possible, or in person where required.
- In aligning the business continuity plan to a BRAG (blue, red, amber, green) risk rating and agreeing the measures that would need to be taken at each rating, the Service had a

high degree of confidence in being able to manage the pandemic situation and to determine how the Service was performing. The rationale was applied across all external activities and to some internal activities such as training and exercises.

Resolved

The Authority noted the report on Portfolio Management (3PT).

29/20 Integrated Risk Management Plan Consultation

The report provided an overview of the engagement strategy for the consultation of the Integrated Risk Management Plan (IRMP) in October 2020 and the themes and questions to be consulted upon.

Under the National Fire and Rescue Framework, the Service had committed to consult on the IRMP every three years, or where there was a material change to the risk assessment.

It was proposed that the consultation would run from 7 October until 16 December 2020. The outcomes of the consultation would have a direct impact on the development of 'Our Plan'. Consideration had been given to the strategic planning timelines, in developing and presenting 'Our Plan' to the Authority.

The engagement strategy included the Service's intention to make the consultation as accessible as possible to respondents by utilising as many platforms that were available, whilst also ensuring that staff were kept as safe as possible during this pandemic.

To enable as much of a representative response as is possible from our diverse communities, partners and businesses, it was hoped that a wide range of views and opinions would be collected, via a variety of engagement proposals (as per section 5.3 of the report).

It was noted that the Community Safety Strategy tool was available and would allow the Service to target social media followers /

friends both at a corporate and team or station-based account. It would also allow users to explore the IRMP.

Further information on the proposals and intended approach to the consultation were provided within the appendices to the report.

Resolved

That the Authority noted the report on the IRMP consultation.

30/20 Review of Constitution – Roles and Responsibilities and Decision Making

The report was submitted to Members to provide an overview and rationale for the proposed changes to the Constitution.

Following recommendations from the Independent Cultural Review of the Service (by RealWorldHR), the HMICFRS State of Fire report, and developing definitions from the Local Government Association (LGA) Leading Fire report, as well as National Fire Chiefs Council (NFCC) sector progression recommendations (Fit for the Future), the report focussed on the clarification of roles and responsibilities of the Fire Authority as the governing body and of the roles and responsibilities of the Chief Fire Officer and Officers.

Definitions regarding decision making were set out within the report and proposed for inclusion within the Constitution. Decisions were defined as:

- Political decisions
- Governance decisions
- Operational decisions

The definitions were explained in detail within section 3.5 of the report.

Proposals for pre scrutiny and post scrutiny were detailed within the report, aligned to the role of the Fire Authority and the Chief Fire Officer (section 3.6 of the report)

The proposed changes / amendments to the Constitution would be made and would reflect in changes to a number of articles. The

detailed changes were set out in Appendix 1 and were summarised within section 3.7.3 of the report.

A Member queried the proposed changes regarding the process of appointing the posts of Deputy Chief Fire Officer and Assistant Chief Fire Officer.

The Member requested that the wording around the appointment process, including the supporting notes, be amended to reflect a number of concerns. For example, the Member acknowledged the need for any candidate to have a 'team fit' in with the Strategic Enabling Team but that there was also the need for any candidate to have the same with the Members.

The Member stated that they did not feel that the Appointments Committee would be comfortable with the recommendation of one candidate. It was accepted that it was the role of the Chief Fire Officer to ensure recommended candidates met the required professional and technical competencies but it was the role of the Committee to lead on the appointment, appointing from a list of recommended and suitable candidates. However, it was felt that the Authority could be uncomfortable with recruiting where just one candidate had been put forward and therefore the process could need to be rerun.

It was also noted that the informal meeting with candidates was very beneficial for Members.

In answer to Members' questions, the following points were raised:

- The last appointment process that had been undertaken (the appointment of the Deputy Chief Fire Officer) had been reviewed. The review recognised that the process was an Officer led process up to the Appointments Committee.
- The Chief Fire Officer would recommend candidates in line with technical competencies and professional expertise. Use of the term 'lead' was part of discussions between the Chair, Chief Fire Officer, and Statutory Officers. The Chief Fire Officer would lead and present the candidate(s) at the Appointments Committee.

- It was noted that in appointing a Deputy Chief Fire Officer or an Assistant Chief Fire Officer, the person had to be operationally competent and this had to be confirmed by the Chief Fire Officer and other Officers, not the Authority. Additionally, it was important that a candidate not only met the technical and professional criteria but also fitted in with the management team of the Service.
- Clarification was required as to the role of the Appointments Committee. The role of the committee was to appoint a person from a list of CFO recommended candidates. It was possible that only one candidate could be put forward to the committee. It was acknowledged that under such circumstances, the Authority may not be comfortable having just the one candidate and could request the process to be run again if they felt it was required, to broaden the scope of candidates.

Considering the discussion, it was agreed that the wording of the supporting notes to this section of the constitution could be amended, to reflect the views expressed by Members and amended wording would be presented at the next Policy Planning Forum for Members' consideration, before resubmission to the Authority at the December meeting.

Resolved

That Members approved the proposed amendments to the Fire Authority Constitution as set out in section 3.6 and Appendix's 1 to 7, except for the specific points raised by Cllr Edwards and seconded by Cllr Spence regarding the supporting notes for the appointments process.

That Members approved that the Clerk make any further consequential amendments to the Constitution in consultation with the Chair, Vice-Chair and opposition leader.

That Members noted the further development required to consider the role definitions for statutory officers and article and terms of reference for the Scrutiny Committee.

31/20 **Programme of Meetings 2020/21**

The Authority received a report for the Authority to approve the Programme of Meetings for 2020/21.

The Service had implemented its business continuity plans on 18 March 2020 in response to the then emerging Covid 19 Pandemic. A Major Emergency was announced for the region on 20 March and lockdown measures were announced on 21 March. Following these announcements, the Chair, Chief Fire Officer and Clerk to the Authority reviewed the approach to the operation of Authority business. This resulted in the postponement of all Authority meetings and the Service's 3PT programme, the instigation of matters of urgency delegations for the Chief Fire Officer, and the implementation of a regular Chief Fire Officer briefing to Members which were held digitally.

A proposed programme of meetings was outlined within the appendix for approval. The programme of meetings had been revised and the frequency of meetings refined to further enable the continued level of governance in an efficient and effective manner. The proposed programme of meetings included the introduction of monthly Policy Planning Forums aligned to the successful approach of the regular Covid 19 briefings, quarterly meetings of the full Authority, the reduction of Audit and Risk Committee meetings from six to five, the reduction of Scrutiny Committee meetings to a quarterly basis, and a reduction to three meetings of the Collaboration and Transformation Committee.

It was noted that the digital approach to meetings would continue and would be reviewed and developed going forward.

In answer to Members' questions, the following points were raised:

- The quarterly meetings of the Scrutiny Committee would focus on the normal business of the committee. Any urgent matters raised for the committee to consider would be dealt with via the scheduling of additional meetings. This approach would form part of the development of the committee's work programme.

Resolved

That the revised frequency of the Fire Authority and committee meetings were approved.

That the programme of meetings for 2020/2021 were approved.

32/20 Audit Findings Report 2019/2020

The Authority received a report to note the content of the Audit Findings Report.

R Percival of Grant Thornton provided an overview of the report.

The audit was substantially complete. The headlines summarised the key findings and other matters arising from the audit and the preparation of the Authority's financial statements for the year ended 31 March 2020. The headlines covered areas including Covid 19, financial statements, value for money arrangements and statutory duties. The report went on to cover the audit approach and the approach to materiality.

Significant audit risks were identified as follows; Covid 19, ISA240 revenue risk, management override of controls, valuation of land and buildings, and the valuation of the pension fund net liability Firefighter and Local Government Pension Scheme.

The report highlighted the risk regarding valuation uncertainty and the pension liability which would be impacted upon by the McCloud judgement.

It was noted that there were no impact upon the Authority's reserves. Additionally, the West Midlands Pension Fund audit was currently in progress and therefore, no assurance had been received yet.

It was noted the value for money audit examined financial sustainability and although the audit was satisfied that appropriate measures were in place, it was felt there was limited scope for further use of General Reserves. Additionally, there was uncertainty regarding funding going forward, delays to local

government funding changes and the forthcoming Comprehensive Spending Review.

It was noted that there were no issues arising as a result of the audit.

R Percival thanked the finance team for their support.

In answer to Members' questions, the following points were raised:

- Valuation of land and property was the role of the professional valuer, it was the auditor's role to challenge. It was difficult to determine how certain valuations could be assessed at March 2021 because the impact of the Covid 19 pandemic on property prices had not been quite seen yet.

Resolved

The Audit Findings Report was noted.

33/20 Statement of Accounts 2019/2020

The Authority received a report regarding the approval of the Statement of Accounts 2019/2020 and to note the Summary of Accounts for 2019/20.

M Griffiths, Treasurer and Strategic Enabler of Finance and Resources, provided an overview of the report.

The Audit and Risk Committee approved the unaudited Statement of Accounts for 2019/20 at its meeting on 27 July 2020. It was noted that some modest changes had been made to the statement since then.

An overview of the Balances Sheet was provided. It was noted that property and vehicles were the highest value item within the accounts.

The statement went on to provide detail of the Authority's current assets and current liabilities, including long term borrowing. It was noted that a proportion of debt had been paid off and no new borrowing had been undertaken during the year. It was indicated

that the same would happen in the current year. Other long-term liabilities were mainly related to how pensions were reported.

The usable reserves were noted which included general reserves. Reductions reported were within the anticipated amounts. It was noted that there was a need to monitor the reserves and that this funding could not be used indefinitely.

In answer to Members' questions, the following points were raised:

- A Member asked if short-term borrowing had increased. It was noted that short-term borrowing could change day to day and that the balance sheet was a snapshot taken on 31 March. Short-term borrowing at that date indicated an increase but cash equivalents also showed a broadly equivalent level of increase.

Resolved

That the Statement of Accounts 2019/20 were approved and the Summary of Accounts for 2019/20 were noted.

34/20 Response to the Government Consultation on Removing Age Discrimination from Public Sector Pension Schemes

The Authority received a report regarding the approval of the response to the Government Consultation on 'Changes to the transitional arrangements to the 2015 schemes'.

M Griffiths, Treasurer and Strategic Enabler of Finance and Resources, provided an overview of the report.

The Government had introduced new Pension Schemes in 2015 as a result of the Hutton Report into Public Service Pensions. As part of the introduction of these schemes, protection was offered to some existing members under transitional arrangements. Following the introduction of the new schemes, Unions representing Judges and Firefighters took Court action against the Government claiming that the transitional arrangements were discriminatory on grounds of age. In December 2018 the Court of Appeal ruled in favour of the Unions.

In July 2020, the Government published a Consultation on their proposals for removing the discrimination from all Public Sector Pension Schemes.

It was noted that the draft answers were provided in the report and that the answers were closely linked to the position of the Firefighters' Pension Scheme Advisory Board.

A significant response to the Consultation was expected from across the sector and elsewhere.

Resolved

That the response to the Government Consultation on 'Changes to the transitional arrangements to the 2015 Schemes' was approved.

35/20 Monitoring of Finances

The Authority received a report on the monitoring of finances.

M Griffiths, Treasurer and Strategic Enabler of Finance and Resources, provided an overview of the report.

The report dealt with the monitoring of the finances of the Authority in the current financial year and covered revenue expenditure and the Capital Programme. Expenditure was compared with a profile of the Authority's budget.

The Authority's 2020/21 Council Tax requirement was £44.485 million and the revenue budget was £100.147 million.

Appendix A compared the revenue budgeted to the end of August 2020 with the actuals to that date. Appendix B provided statistical data relating to the Firefighters' Pension Scheme. Appendix C provided an analysis of the Authority's approved capital programme for 2020/21.

It was noted that command delivery and workforce comprised a large portion of the overall budget. This reflected the bigger impact on frontline stations ensuring availability of appliances and the use of resilience shifts from officers from across the Service. A higher

number of resilience shifts early in the year could result in potentially less resilience shifts available as the year continued. . Business as normal had been suspended to focus on responding to the pandemic, resulting in budget underspends in some areas.

The statistical data regarding the Firefighters' Pension Scheme was in line with expectations for the time of the year.

The main forecast variance within the capital programme related to the Vehicle Replacement Programme and the delayed purchase of a number of vehicles, predominantly as a result of the pandemic. Additionally, the planned replacement of windows and doors at seven stations had been re-phased to 2021/22 due to supplier lockdown during the pandemic.

Resolved

That the report on the monitoring of finances was noted.

36/20 **Contract Awards Summary for Period to 30 September 2020**

The Authority received the Contract Awards Summary report.

M Griffiths, Treasurer and Strategic Enabler of Finance and Resources, provided an overview of the report.

In accordance with the Authority's procurement arrangements a retrospective twice yearly report of tender contract awards in excess of £250,000 was submitted to the Authority for information purposes. This report covered the period April to September 2020.

The only contract reported related to Pump Rescue Ladder (PRL) appliances.

Resolved

That the Authority noted the report of the contract awards summary for the period to 30 September 2020.

37/20 Result of Recent Fire Safety Prosecutions

The Authority received a report which was submitted to inform the Authority of the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

Resolved

That the Authority noted the details of the fire safety prosecution.

38/20 Result of Recent Fire Safety Prosecutions

The Authority received a second report which was submitted to inform the Authority of the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

Resolved

That the Authority noted the details of the fire safety prosecution.

39/20 Revocation of Explosives Storage Licence

The Authority received a report which was submitted to inform the Authority of the revocation of an explosives storage licence as a result of prosecutions under the Health and Safety at Work etc. Act 1974.

Resolved

That the Authority noted the details of the revocation.

40/20 Decisions Taken Under Matters of Urgency

The Authority received a report on decisions taken under matters of urgency.

The report was submitted to confirm retrospectively the two decisions taken and approved under 'Matters of Urgency' whilst the Authority meeting(s) were postponed during the Covid 19 pandemic.

The decisions were:

- The appointment of a Deputy Monitoring Officer
- The Corporate Performance Indicators for 2020/21

Resolved

That the Authority noted the decisions taken and approved under 'Matters of Urgency'.

41/20 Notes of the Policy Planning Forum held on 13 January 2020

The notes of the Policy Planning Forum held on 13 January 2020 were received.

42/20 Notes of the Policy Planning Forum held on 3 February 2020

The notes of the Policy Planning Forum held on 3 February 2020 were received.

43/20 Minutes of the Audit and Risk Committee held on 1 June 2020

The minutes of the Audit and Risk Committee held on 1 June 2020 were approved.

44/20 Exclusion of the Public and Press

The public and press were excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

45/20 Planned Procurement Exercise for 2020 - 2021

The Authority received a report for approval of the tender exercise for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2020/21 for:

- Boiler replacements

Resolved

That the tender exercises for the provision of various works, good and services to West Midlands Fire and Rescue Authority during 2020/21 were approved.

The meeting ended at 13.20 hours.

Stephen Timmington

Strategic Hub

0121 380 6680

Stephen.Timmington@wmfs.net