

West Midlands Fire and Rescue Authority

Governance and Transformation Committee

You are summoned to attend the meeting of Governance and Transformation Committee to be held on Monday, 12 November 2018 at 11:30

at Fire Service HQ, 99 Vauxhall Road, Nechells, Birmingham B7 4HW

for the purpose of transacting the following business:

Agenda – Public Session

- 1 To receive apologies for absence (if any)
- 2 Declarations of interests
- 3 Minutes of the Governance and Transformation Committee held on 08.10.18 **3 - 20**
- 4 Developing the Role of the Mayoral Fire Committee (MFC) **21 - 26**

Agenda – Private Session

- 5 Exclusion of the public and press
Chair to move:- *"That the public and press be 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 for the reasons stated below."*
- 6 Committee Workshop
Information 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.

Distribution:

Adam Aston - Chairman, David Barrie - Member, Greg Brackenridge - Member, John Edwards - Member, Peter Hogarth - Member, Seamus Walsh - Member, Ann Young - Member

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Agenda prepared by Stephen Timmington

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This agenda and supporting documents are also available electronically on the West Midlands Fire Service website at www.wmfs.net

Minutes of the Governance and Transformation Committee

08 October 2018 at 09:30 a.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham B7 4HW

- Present:** Councillor Aston (Chair).
Councillors Barrie, Brackenridge, Edwards, Hogarth, and Young (Vice Chair).
- Apologies:** Councillor Walsh.
Professor Brake.
- Observer:** Councillor Iqbal.
Tim Martin, Head of Governance, West Midlands Combined Authority (WMCA) and Jodie Townsend, Governance Consultant, WMCA.

1/18 **Declarations of Interest in contracts or other matters**

There were no declarations of interest.

2/18 **Scoping the Role of the Mayoral Fire Advisory Committee (MFAC)**

Karen Gowreesunker, Clerk to the Authority and Strategic Enabler of the Strategic Hub, provided an overview of the report:

The report contained two recommendations:

1. That members consider the background and proposed approach to considering the governance arrangements for West Midlands Fire and Rescue Service (WMFS) within the Mayoral West Midlands Combined Authority (WMCA).
2. That members approve the purpose, scope and key assumptions of the Committee.

The draft Statutory Order (the Order) had entered the Parliamentary process on 23 September. A key 'ask' within the Scheme submitted to the Home Office in June 2018 was the constitution and composition of the Mayoral Fire Advisory Committee (which had subsequently been renamed as the Mayoral Fire Committee). A specific focus of the Governance and Transformation (G&T) Committee would be to

develop proposals which would define the roles and responsibilities of the Mayoral Fire Committee (MFC), aligned to those defined and approved by all local constituent councils through the Governance Review, Scheme and the draft Order. All proposals of the G&T Committee would be submitted to the Fire Authority and onto the WMCA for consideration.

It was noted that the timeline within the report outlining the meeting dates of the G&T Committee and alignment to the progress of the Order could vary as progress developed.

A Member noted that the Order was progressing quicker than expected and asked if this would affect the timeline of the work of the committee.

It was advised that the timeline would be largely unaffected by the progress of the Order due to the work regarding constitutional issues / structures that was due to be undertaken.

It was noted that the WMCA would need to approve any constitutional changes and such changes would have to be considered at Board level, of which there were meetings scheduled in January 2019.

Karen Gowreesunker talked the Committee through a presentation which covered:

- Clarifying the Role and Responsibilities as laid out in the draft Order:
 - Chief Fire Officer role summarised
 - Role of the Mayor summarised
- Role of the MFC
- Considerations for role of the MFC
- Next steps

Note: the presentation is available in appendix 1 of these minutes.

The role of the Chief Fire Officer included operational and technical leadership of the Service, of fire functions and of staff. This role would be accountable for performance of the Service.

The role of the Mayor included the appointment of the Chief Fire Officer, approval of all key strategic documents, and holding the Chief Fire Officer to account for delivery of services.

A Member asked if the MFC would have any role in the appointment of the Chief Fire Officer. It was confirmed that it was solely the role of the Mayor (an excluded function).

The Order defined the role of the MFC that it was to advise the Mayor in the exercise of functions. The MFC was not a decision making body, however it does have voting rights. There was no scrutiny or audit role

for the MFC. Proposals were proportionate to the makeup of the current Fire Authority (15 Members, the Police and Crime Commissioner, and two co-opted Members).

The role of the MFC could be to provide leadership (similar to the current Section 41 arrangements / role description), enabling local, regional and national representation on behalf of the Mayor, engaging in and contributing to national government policies, for example the lobbying work conducted via the Association of Metropolitan Fire and Rescue Authorities (AMFRA).

How the MFC would support the Service and the Mayor remained to be confirmed and work was underway regarding the governance framework to help develop this. This will be presented to the G&T Committee for consideration and to help form the proposals of the Committee. This work included examining the governance framework and addressing the gaps between the Fire Authority and the WMCA, for example the role of the Pension Board, the role of the Joint Consultative Panel, and engagement within the National Joint Council. Additionally, it was considered that the MFC would be able to support the committees of the WMCA during the transition period (as fire is a new function for WMCA).

A Member asked what would happen to the current membership of the Fire Authority when the Fire Authority would cease to exist. Would membership be decided in May 2019 following local elections and nominations made by the Local Authorities, or would the current membership continue in the interim period?

It was acknowledged that as of 1 April 2019, Members would have a reformed role and that the current roles would no longer exist. There was a need to examine possible ways to resolve this in the interim, for example for the current membership to continue in a shadow form.

A Member noted it could be possible for the Service to ask Local Authorities to nominate for the MFC for Members to be in place for 1 April.

With regard to the role of the MFC, a Member noted the following:

- That there was no visible audit function for the MFC, although there was the audit function established within the WMCA. The Member believed that there should be an audit into the MFC to allow the Committee to keep on top of audit issues.
- The Joint Consultative Panel could be exercised through the MFC.
- Standards to be a role of the MFC (depending if it was a process for the Service or WMCA).

A Member noted that it was a pity that the scrutiny role would not form part of the role of the MFC, considering the experience available within the current membership, and would not want to see any gaps in functions between the Service and the WMCA. The Member suggested could consideration to be given to a pre-decision scrutiny / consultation role for the MFC.

It was noted that decisions regarding the Service would be for the Chief Fire Officer and the Mayor in the new arrangements. The WMCA Overview and Scrutiny Committee would take on the role of scrutiny of the decision making. The MFC could consider the support that the Overview and Scrutiny Committee may need.

A Member asked how the supporting of WMCA committees during the transition period could operate.

It was noted that the support arrangements, if required, would need to be explored further and progressed accordingly.

A Member asked if there was one scrutiny committee in the WMCA and enquired as to the possibility of a sub-committee.

It was explained that there was the one scrutiny function within the WMCA, the Overview and Scrutiny Committee; a large committee that worked through a number of work streams and Task and Finish Groups. Members of the Overview and Scrutiny Committee had stated that they did not want to lose any experience or knowledge of current Fire Authority members. It was noted that there was the potential for a sub-committee to be convened for scrutiny, and also for an audit sub-committee. However, no decision had been made yet with further work and discussions to be had.

A Member agreed that there should be some form of audit role within the MFC and asked if there would a role for the Representative Bodies.

It was noted that the MFC was able to offer a support role.

It was agreed that there was a potential for representation of Representative Bodies on the MFC.

It was noted that there was review of Members Allowances currently being undertaken by the Fire Authority. The review was examining the current roles and would not look at the new roles within the MFC / WMCA as they will be very different (and the roles were still being developed). Once the roles were fully developed, Members Allowances would be examined again independently by the WMCA.

A Member noted that regional work would be a key feature of the MFC depending how much the Chair may wish to get involved, for example Staffordshire and West Midlands Fire Control, the Warwickshire

Collaboration Project. On a national perspective, there was a desire to reinvigorate Association of Metropolitan Fire and Rescue Authorities (AMFRA). Additionally, there was a need to consider the approach regarding advising the Mayor, for example periodic reporting, quarterly / special meetings.

Considerations for the role of the MFC had included how the Committee would support Service and Mayoral priorities. This included Members providing leadership (similar to current Section 41 arrangements / role description), reporting back to their constituent Local Authorities and representing local communities.

A Member noted that currently, each Local Authority engaged differently in the Section 41 process and there was a need to ensure some uniformity across the seven Local Authorities. There was a need to lay out a blue print for Local Authorities and Section 41 Members to follow to enable this. A Section 41 leadership approach would be critical for the relationship between Local Authorities and the WMCA.

It was recommended that work should be carried out to further develop this local authority leadership principle and how information was reported back to the Local Authorities. There was also a need to ensure that current Section 41 Members were fully briefed to enable this. It was suggested that this could be a role for the MFC.

A Member noted that the Section 41 Members provided a bridging role between firefighters and the Fire Authority, and there was a need to maintain that relationship.

It was noted that feedback from this meeting of the G&T Committee would be used to inform ongoing work. Next steps included:

- 12 November – G&T Committee
- 10 December – G&T Committee and Policy Planning Forum
- January 2019 – WMCA Board meeting

It was noted that the Policy Planning Forum could provide an opportunity for wider discussion, and that more members could attend. There was the potential to schedule an extra meeting of the G&T Committee if required due to the timescales.

A Member suggested that it would be useful to look at the position of employees and how that would be managed, for example would there be a TUPE situation. There was a need to determine what Members were engaged in and not engaged in; Members were engaged in the governance aspect but not the reorganisation of the Service. There was a need to avoid any dilution of the service delivery and service support structure. It was clear that a single employer model could unravel that structure. There was a need for principles to be agreed to avoid such a scenario.

A Member questioned if Members were able to make such a request considering the advisory role of the MFC.

The Member responded that the WMCA had adapted its constitution to protect Service budgets and that there was a need for a similar approach to be taken to Service staff. The role of the Fire Authority and the MFC was to support this.

It was advised that the Order was very clear that it was the role of the Chief Fire Officer to determine staffing and structures. This would be a legislative role once the Order was finalised, and therefore 'ring fencing' of staff would not be necessary.

A Member wanted to ensure that the Service was consulting with staff and asking for their views.

A Member noted that concerns had been expressed, particularly by the Representative Bodies.

It was advised that staff have been informed as the governance process has progressed and consultation with staff would take place over a specific time period. Additionally, the Representative Bodies received monthly updates via the Joint Consultative Committee. An update and further information would be provided at the next G&T Committee meeting.

A Member asked if the Representative Bodies had requested representation on the MFC.

It was advised that no formal request had been made. There was a need to consider potential conflict of Representative Bodies on the MFC, if the MFC would also be undertaking roles such as that of the Joint Consultative Panel. There was a need to explore and consider this area in more detail.

A Member noted that the Fire Brigade's Union had raised concerns over representation and accountability. The Member suggested that a case could be put forward for Observer Status on the MFC with speaking rights.

Concern was raised regarding the Employee Relations Framework and its status in the new structure. A Member noted that it was important that the Employee Relations Framework and the Health and Safety Framework were both taken forward into the WMCA.

A Member noted that the National Joint Council terms and conditions would continue to apply once the move to the WMCA had been achieved.

A Member asked if there had been a lot of feedback received from staff, including support staff. The Member noted their concern for staff, and that there was a need to responsibly safeguard them.

It was advised that members of the Strategic Enabling Team held communication visits, 'What's Happening Visits', at all stations and functions which included discussions on governance and the potential changes. Additionally, a number of videos and communications had been published for staff, supported by the holding of management briefings. To date, there hadn't been a huge amount of concern received although this could be due to the fact that the proposed changes seemed a long way off for staff and that could change as the date got closer.

The meeting finished at 10:53pm.

<p>Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>

Governance and Transformation Committee

8 October 2018

Review Scope

- Developing the proposed role of the Mayoral Fire Committee
- Key references:
 - Governance Review
 - Draft Order
 - WMCA Constitution (future)

<https://wmfs.sharepoint.com/sites/WMCAWMFSJointImplementationTeam/Shared%20Documents/General/Future%20GovernanceV3.mp4>

Clarifying Role and Responsibilities – draft Order

Draft Order

Section 4 (3): *The Mayor may arrange for a committee of the WMCA (“the Mayoral Fire Committee”) to advise the mayor on the exercise of fire and rescue functions.*

Section 4 (4): *The Mayor may not make any arrangement under section 107D(3) of the LDEDC Act 2009 (functions of mayors: general) that authorises the exercise of any excluded function.*

Section 6: *excluded Fire and Rescue functions*

Section 7: Delegation of functions to the Chief Fire Officer 7.—(1) The following functions are exercisable only by the Chief Fire Officer in relation to the fire and rescue service

The order clearly sets out the role of the Mayor and the CFO and those functions which cannot be delegated (excluded fire and rescue functions)

The order clearly sets out the role of the MFC as 'to advise the Mayor'.

CFO role summarised – draft Order

Only the CFO can exercise the following:

- Operational and technical leadership of the Service
- Specialist operational and technical advice to the Mayor
- All staff related decisions: including structure, recruitment, development and dismissal
- The management of assets, finances, reserves
- The management of trade union relations
- The preparation of the IRMP, budget and the services strategic priorities and objectives
- The functions of the WMCA relating to fire and rescue legislation
- Accountable to the Mayor for performance of the Service – fire functions

Role of Mayor – draft Order

The Mayor is accountable for exercising all fire and rescue functions including:

- Section 13, 15 and 16 arrangements
- Appointing or dismissing the CFO
- Holding the CFO to account for the management of the fire service
- Approving the IRMP, statement of assurance, all plans relating to the strategic direction of the service to ensure the WMCA is able to continue to perform its fire and rescue related functions

Role of the Mayoral Fire Committee

Draft Order:

- Section 4 (3) defines the role of the committee is to 'advise' the Mayor on the exercise of functions
- The committee is not a decision making committee but has 'voting' rights
- There is no scrutiny or audit role for the committee
- Elected, co-opted and PCC members

The Governance Review defined the following roles:

- Enable leadership for the Service and Mayoral priorities - section 41
- Enabling regional and national fire representation – LGA local government relationships
- Engage with and influence government policy on behalf of the Mayor - lobbying
- Enable the development of collaboration, partnerships and services to the community

Considerations for role of MFC

Following cessation of the Fire Authority how will MFC support Service and Mayoral priorities?

- Bridging gaps between current WMCA and WMFRA governance framework
- Providing Section 41 leadership – representing local communities
- Supporting WMCA committees in taking on ‘fire’ responsibilities

Delivering roles which follow the intention of the Order and rationale for reform as set out in the governance review

Considerations for role of MFC

How will the MFC represent/support the Mayor in regional and national government relationships?

- Engage with and influence government policy on behalf of the Mayor, i.e. lobbying

How will 'voting powers' work?

MFC is not a decision making committee but consider gaps in constitution.

Determining allowances

Considerations for role of MFC

How can the MFC support transition period?

- During transition – governance and transformation - supporting WMCA committees and Chairs?
- Basis for existence of G&T role post transfer (within MFC)?

Approach to engaging and advising Mayor?

- Advising on?
- How? Established meetings, periodic reporting to Mayor
- Efficient and effective model, reducing bureaucracy

Next steps...

- Feedback from today used to inform ongoing work
- **November G&T** – options and proposals regarding role of MFC
- **12th Nov/10th Dec**
- **10th Dec PPF**
- **Jan 2019 WMCA**

GOVERNANCE AND TRANSFORMATION COMMITTEE

12 NOVEMBER 2018

1. DEVELOPING THE ROLE OF THE MAYORAL FIRE COMMITTEE (MFC)

Report of the Clerk.

RECOMMENDED

THAT members note the proposed approach to developing proposals for the role and scope of the Mayoral Fire Committee (MFC) within the Mayoral West Midlands Combined Authority (WMCA)

2. PURPOSE OF REPORT

This report is submitted to prepare Members of the Committee for a workshop environment wherein Members will receive a broad overview of the implementation plan to support contextual understanding. This understanding will provide a platform from which Members will continue to consider the develop the proposed role of the MFC.

3. BACKGROUND

- 3.1 On 8 October 2018 the Committee convened at its inaugural meeting to approve its purpose, scope and key assumptions. To support this the Committee received a report detailing progress of the journey to transfer the governance of West Midlands Fire and Rescue Service (WMFS) to the Mayoral WMCA. The report set out the proposals to secure the key 'asks'.
- 3.2 The Committee agreed to the purpose, scope and key assumptions as part of the development of proposals which will define the roles and responsibilities of the MFC, aligned to those defined and approved by all local constituent councils through the Governance Review, Scheme and subsequent draft Order.

4. **APPROACH**

- 4.1 Whilst the strategic case for the MFC as part of the governance framework is set out in local reports, ultimately, it's commissioning is at the discretion of the Mayor. To support MFC in the articulation of proposals which are effective, the Committee will convene in a workshop environment and will:
 - 4.1.1 Receive a broad overview of the implementation plan to support contextual understanding
 - 4.1.2 Review the key themes from the Committee meeting on 8 October 2018.
 - 4.1.3 Note the areas which are out of scope of the committee to make recommendations on pursuant to paragraph 3.11 of the 8 October 2018 report.
 - 4.1.4 Review areas where there is clarity on what the Committee can and cannot do.
 - 4.1.5 Consider the analysis of the governance requirements through committee structures in order to discuss the gaps and proposed way forward having regard to the locally agreed governance proposals, the principles which underpin them and the proposed remit of the MFC.
- 4.2 The Mayor will need to agree to the final outcomes prior to submission the WMCA board. To support this the Mayor will need to be kept abreast of the development of the proposals in order to provide the opportunity for feedback.

5. **TIMELINE OF WORK**

The below is an indicative timeline and aligns to progress of the Order:

G&T meeting dates	Detail
8 October 2018	G&T Committee commission of work
12 November 2018	G&T Committee review of current and future governance committee structure for WMFS, as well as gaps and role of MFC
November 2018	Mayor to be engaged in developing proposals
10 December 2018	G&T Committee will review outcomes and propose recommendations for the role of MFC.
10 December 2018	Outline proposals to Authority PPF as part of engagement.
December 2018	Share proposals with Mayor for approval
11 January 2019	WMCA Board to agree constitutional proposals
28 January 2019	G&T Committee note outcomes from WMCA Board
18 February 2019	Authority reporting to note outcomes of WMCA Board.

6. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The matters contained in this report will not lead to and do not relate to a policy change at this stage.

7. LEGAL IMPLICATIONS

Overall legal implications in relation to the Governance Review and Scheme have been included in previous Authority reports. There are, however, no immediate direct legal implications arising from this report.

8. FINANCIAL IMPLICATIONS

The financial implications have been included in previous reports to the Authority and this Committee. No further implications are identified at this stage.

9. ENVIRONMENTAL IMPLICATIONS

There are currently no environmental implications.

BACKGROUND PAPERS

[WMFRA 20 FEBRUARY 2017 ROUTE MAP TO A WEST MIDLANDS COMBINED AUTHORITY MAYORAL WMCA GOVERNANCE REPORT](#)

[WMFRA 20 FEBRUARY 2017 OUTCOMES OF THE FUTURE GOVERNANCE WORKING GROUP](#)

[WMCA 3 MARCH 2017 ROUTE MAP TO MAYORAL WMCA GOVERNANCE](#)

[AGM June 2017](#)

[WMCA 8 SEPTEMBER 2017](#)

[Governance Review and WMCA Scheme Report to Local Authorities \(17 October 2017 Sandwell Metropolitan Borough Council example\) Scheme](#)

[Governance Review](#)

[WMFRA 20 NOVEMBER 2017](#)

[WMCA Board 8 December 2017 Mayoral WMCA Governance of West Midlands Fire Service - Governance Review and Scheme](#)

[CONSULTATION OUTCOMES REPORT TO LOCAL AUTHORITIES \(21 March 2018 Sandwell Metropolitan Borough Council example\)](#)

[WIDENING CFO Accountabilities 16 April 2018](#)

[ROUTE MAP TO MAYORAL COMBINED AUTHORITY GOVERNANCE: CONSULTATION OUTCOMES AND SCHEME SUBMISSION TO SECRETARY OF STATE 16 APRIL 2018](#)

[WMCA 14 SEPTEMBER 2018 GOVERNANCE OF WEST MIDLANDS FIRE SERVICE APPROVAL OF STATUTORY ORDER](#)

[WMFRA 17 SEPTEMBER 2018 ROUTE MAP TO MAYORAL](#)

COMBINED AUTHORITY GOVERNANCE
WMFRA GOVERNANCE AND TRANSFORMATION COMMITTEE 8
October 2018

The contact officer for this report is Karen Gowreesunker, telephone number: 0121 380 6678

PHIL LOACH
CHIEF FIRE OFFICER

