

Minutes of the Meeting of the West Midlands Fire and Rescue Authority

**21 November 2016 at 11.00 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor Edwards (Chair)
Councillor Idrees (Vice-Chair);
Councillors: Allcock, Aston, Singh Atwal, Barrie, Barlow, Bennett,
Booth, Craddock, Dad, Cartwright, Clinton,
Davis, Eustace, Hogarth, Idrees,
Mottram, B Singh, P Singh, Skinner,
Spence, Tranter, Walsh and Young.

Apologies: Councillor Brackenridge, Sealey, T Singh
Mr Ager

71/16 Declarations of Interest

The Chair declared a personal and non-pecuniary interest in Minute No. 77/16 below (Monitoring of Finances).

72/16 Chair's Announcements

There were no announcements from the Chair.

The Chief Fire Officer (CFO) made the following announcements:

Area Commander Simon Shilton had been successful in a recent selection process and would be joining Avon Fire and Rescue Service as an Assistant Chief Officer at the end of the year. The Authority requested that their congratulations be recorded in the minutes.

Lead Authority Members had been invited to the Recognition and Rewards Evening at Edgbaston Cricket Ground on Friday 25 November 2016. This is a prestigious event and a large number of employees would be attending and many awards were due to be handed out.

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The Brigade's Annual Carol Service would be taking place on Sunday 4 December 2016 at St Martins in the Bullring commencing at 4.30pm

Watch Commander Adam Joyce, Oldbury Fire Station and Arron Lennon, Road Casualty Reduction Unit, had both won the "Just One More" Award for the recent Hamster Wheel Event in Birmingham City Centre raising money for Leukaemia Research.

The West Midlands Fire Service had four nominations in the Fire Times Awards:

- Innovation of the Year for the Community Safety Strategy for providing greater transparency of information to the community
- Training Provider of the Year for the Command Development Centre
- Two nominations in the most influential Black, Minority, Ethnic person in Fire category – Strategic Enabler Preith Shergill and Aghia Pal Information Communication and Technology Technician and Member of the International Search and Rescue Team.

These high profile national awards would be taking place on the 2 December 2016 and the CFO would inform Members of the Authority of the outcome of the Awards at the forthcoming Policy Planning Forum.

Coventry Fire Station had now closed and the staff and appliances had moved to temporary accommodation in preparation for the demolition and rebuild of the station.

73/16 **Minutes**

Resolved that the minutes of the meeting held on 19 September 2016, be confirmed as a correct record.

74/16 **Integrated Risk Management Plan Consultation**

The Authority received a report seeking approval for the proposed consultation of West Midlands Fire Service's (WMFS) Integrated Risk Management Plan (IRMP) commencing in December 2016.

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Under the National Fire and Rescue Framework, WMFS is required to consult on its IRMP every three years or where there is material change. The last consultation took place in 2013 and the proposed consultation would focus on Governance, Service Delivery and Flexible Funding.

Following the outcomes of the Scrutiny Committee review around Public Consultation in 2013/14, the consultation would address the key areas raised by:

- Ensuring the questions are open and non-repetitive
- Involve Community Members ~~membership~~
- Actively involve Authority Members

The Consultation Institute have helped to shape the consultation and have supported the Authority's approach

The timings of the consultation are mapped into the Corporate Planning Cycle and will run from 1 December 2016 until 10 January 2017 and the outcomes would be presented to the Fire Authority on 20 February 2017 for approval.

The measures of success would include:

- a representative response from diverse communities, partners and businesses ensuring a good range of views and opinions are collected.
- meaningful responses which could be used by a range of teams cross WMFS when delivering their level 3 plans and for consideration by the CFO and Strategic Enabling Team (SET) when reshaping the three year rolling strategy.
- large numbers of quality data for analysis.

The engagement strategy is to ensure meaningful consultation and engagement with the community and in order to achieve the required number of responses, the consultation would be as accessible as possible.

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This will be achieved by utilising multiple platforms (social media, focus groups, partners, and face to face) and all relevant material will be available from the Corporate Communications Team or the WMFS website www.wmfs.net.

Engagement will also be undertaken during Safe and Well visits, at focus groups and through Community Members. Authority Members will be contacted by middle manage to assist them with their engagement in the community and an Aide Memoire would be distributed to Members by the 25 November 2016.

In response to a Member's comment, it was acknowledged that the responses received in 2013 were low and the timing of the consultation would possibly not achieve the target set due to the weather, shorter days and Christmas events. However, the current consultation was mapped into the planning cycle, but the timing would be taken into account as this piece of work moves forward.

The Chair agreed with the point and felt it was well made. The consultation was tied into planning for the February budget setting, but there wasn't any compelling reason why the consultation couldn't be started in the Summer when the weather would be better.

Another Member commented that he had raised the timing of the Consultation previously and hoped, in future, that a more favourable date would be chosen. However, he felt the proposals for this Consultation would achieve additional comments from the residents of the West Midlands and that contacts with the partner organisations based on Service premises would help to achieve increased numbers.

The Chair agreed that it would be difficult to achieve large numbers, particularly when members of the public already hold the Fire Service in high regard.

The CFO restated that the Consultation was aligned to planning but agreed to look at the optimum time in respect of the quality and quantity of response.

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However, he stated there had been a number of emerging issues since the Summer that could not be included. Middle managers would engage with the community through Members, stating the case for the Service Delivery Model and maintaining our current position. The CFO felt that the high ambition to quadruple the number of responses could be achieved by a combination of methods including the Safe and Well visits, and via community members and also confirmed that the Consultation Institute had stated that our consultation plan is fit for purpose and meaningful.

The CFO thanked Members of the Authority for their support in advance.

RESOLVED that the engagement strategy for the consultation of the Integrated Risk Management Plan (IRMP) in December 2016 and the themes to be consulted on be approved.

75/16 Management of Information

The Authority received a report on the Management of Information framework and a draft Standing Order. The Management of Information covers a range of activities including data inputs, handling instructions, processing and data outputs ensuring that the right information is given to the right people at the right time. It provides a balance as well as protecting the organisation.

There are two processes covered within the lifecycle of the Brigade's information governance, namely 'Classification and Marking' and 'Requests for Information'. The Government Security Classification Scheme's move to three categories (OFFICIAL, SECRET and TOP SECRET) provides greater flexibility on how each organisation governs its information.

The vast majority of information falls within the official classification. In seeking to appropriately protect the Brigade whilst maximising the opportunity for flexible working, the following OFFICIAL WMFS categories have been identified:

- OFFICIAL WMFS - PUBLIC
- OFFICIAL WMFS - LOW
- OFFICIAL WMFS - MEDIUM
- OFFICIAL WMFS - HIGH

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Handling instructions will be provided and there will be a single approach for all information across the Brigade and for Freedom of Information Requests. Following the consultation period training will be provided to all members of the Brigade including Members of the Authority.

The Information Asset Register underpins the classification process and consequently needs to be maintained by the Data Manager, Deputy Chief Fire Officer as the Senior Information Risk Owner and the Strategic Enablers and the Information Asset Owners for their respective areas of responsibility.

It was noted that six standing orders had merged into one single Standing Order.

In response to a Member's enquiry with regard to an example of Official – Medium and Official- High, it was explained that a National Insurance Number would be regarded as Official - Medium classification as it would require extra protection. An example of an Official - High classification would be where a vulnerable person's details would be removed before sharing the information. It was noted that Official – High would only be used in 5 – 10% of cases.

The CFO explained that the same classification system is used by the Emergency Service Network and would assist with interoperability.

Training on handling instructions would be provided to all Members, Officers and staff to ensure a developed understanding of the protocols. Training would be provided at a future Policy Planning Forum.

76/16 Discretions Policy – Local Government Pension Scheme

The Authority received a report regarding a change to the Discretions Policy – Local Government Pension Scheme.

It was noted that any employee and member of the Local Government Pension Scheme has the opportunity to pay additional voluntary contributions (AVC) to enhance their pension. These contributions are deductions that attract tax relief in the same manner as standard pension contributions.

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WMFS have identified potential savings of approximately £17,000 per annum in Employer National Insurance contributions by offering employees the opportunity to use a Shared Cost Additional Voluntary Contribution operated under the Salary Sacrifice arrangements. The Authority currently runs a similar arrangement for childcare vouchers.

In addition to the tax savings which an AVC scheme offers, choosing the Salary Sacrifice option would give employees a reduction in their National Insurance contributions. There would be no disadvantage. Members of the Scheme could join the new scheme or continue to pay in the same way as currently.

To enable the implementation of such a scheme, WMFS needs to amend the policy on one of the discretions available under the Local Government Pension Scheme regulations.

The Discretion to be amended covers regulations 16(2)(e) and 16(4)(d) which currently states:

Regulations 16(2)(e) and 16(4)(d) - Funding of Additional Pension

Explanation

Where an active member opts to make Additional Pension Contributions (APC) under Rule 16(2)(e) these may be funded in whole or in part by the Employer. Under Rule 16(4)(d) the employee may opt to pay APC as a Lump Sum and this may also be funded in full or part by the employer.

Policy

The Fire Authority will not fund in whole or in part any other APC purchased either by periodical payments or Lump Sum direct from a members Net Pay.

It is proposed to change the policy on use of this discretion to read as follows;

Policy

The Fire Authority will fund in whole or in part any Annual Pension Contribution (APC) operated by themselves under a salary sacrifice arrangement.

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The Fire Authority will, however, not fund in whole or in part any other APC purchased either by periodical payments or Lump Sum direct from a members Net Pay.

RESOLVED that the changes to the Discretions Policy – Local Government Pension Scheme be approved.

77/16 Monitoring of Finances

The Authority noted the Monitoring of Finances report up to and including October. The report took the form of the standard presentation of three Appendices. The revenue monitoring in Appendix A showed a slight overspend of £86,000 with the predominant reason for this being the new staffing arrangements. Appendix A showed a variance to profiled budget in the Operations budget of £314,000, but this has been offset by other savings.

The Treasurer reassured the Authority on the overspend and would provide further updates to Members. The Treasurer expected the Authority to be within budget at the year end.

Appendix B of the report set out the position in respect of the Firefighters' Pension Schemes and Appendix C indicated the current Capital Monitoring.

The Treasurer stated that the capital programme had a variance of approximately £1m and would be closer to £7m than £8m.

The variance of £544,000 in the Vehicle Replacement Programme was due to a delay in placing an Order for Pump Rescue Ladders. Vehicles expected for delivery in March 2016 had been delayed and officers therefore decided not to place a subsequent Order until the first order had been delivered.

Seven Pump Rescue Ladders would now be ordered in the next financial year. The review of station vans had taken place and a decision had been made not to replace the vans in the current financial year. This had generated further savings.

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The current budget exercise would take account of issues and would be presented to the Policy Planning Forum in February and placed before the Authority at the meeting on 20 February 2017 for approval.

In response to an enquiry about the capital monitoring variance of £299,000 for the X plan, it was explained that the scheme to replace the current entry system on all stations from a gold key system to an electronic security and staffing system was approved a year ago. This had now been delayed as the technical details of the tender exercise had become elongated and a re-assessment of the specification would be required before considering how to progress with the.

A further question was about an overspend of £86,000 on the windows and doors budget. It was explained there had been a slight overspend as a decision had been taken to replace the windows and doors at Smethwick Fire Station in one year rather than spread this replacement over two years. Similarly, following the decision to move Secondary Fire Control to the Command Development Centre in Smethwick, it had been decided to bring forward the replacement of the doors and windows in that building to ensure it was fit for purpose when required.

In respect of old fire appliances, the Treasurer confirm that there is a small market for Pump Rescue Ladders and they are sold. However, as Dennis Ltd no longer build fire appliances, it is difficult to obtain parts for these vehicles, and so consideration is also given to keeping old Dennis appliances and breaking them down into parts which can be used to maintain other Dennis appliances until they have all been replaced.

On a visit to the Transport Engineering Workshops (TEW) one Member had noticed engineers producing bumpers and washers in-house and enquired if the TEW made any parts for other organisations in order to generate income. The Treasurer confirmed that TEW ensures they have spares or make them. He also stated that the TEW carry out insurance repair work and also repair ladders for Warwickshire Fire and Rescue Service and were always looking to generate income and support other Fire Authorities.

The CFO encouraged Members of the Authority to visit the TEW to witness the innovative work taking place.

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The CFO stated that following the decision by the Authority to introduce Voluntary Additional Shifts and the collective agreement with the Representative Bodies, there had been an enthusiastic take up of additional shifts resulting in an overspend. The costings were based on a ridership factor of 12.5 but currently the ridership factor stood at 15.5, the difference related to absence, training off shifts and other policy agreements including maternity and paternity leave. In fact, there were 30 factors that contributed towards the ridership factor, but he hoped the budget would soon be back on profile in respect of the Additional Voluntary Shifts and with a reduced Ridership factor of 12.5. Officers would revisit the policies in respect of attendance management, special leave and training off shift to ensure more staff were on available.

Underpinning the good employee relations it had been agreed to review the disturbance allowance. It was also confirmed that the provisional budget settlement was until 2020 and by maintaining financial control there was a good medium term plan in place. The Service was however enjoying 100% fleet availability compared to 95% previously.

A number of arrangements would be put in place to maintain the budget.

The Chair stated that the 100% fleet availability was a remarkable achievement and ensured that the Service was achieving its Service Delivery Model. It was noted that some appliances could be taken off the run to save money but the Service would potentially not then be able to achieve the 5 minute attendance target which is currently running at an average of 4.40 minutes and the quickest response time in the country.

The CFO confirmed that West Midlands Ambulance Service had withdrawn from the project to replace Aston Fire Station and the Henrietta Street Ambulance Station and share the new station at Aston. Although disappointing that the two Services would not be working in partnership the CFO respected their strategy.

The ambulance trust deliver a first class service and it would have been a great opportunity to achieve the ambition for greater collaboration, but it was the Ambulance Trust's decision on where to locate their ambulances.

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It was disappointing to note that there were now only 12 ambulances using the facilities on fire stations.

It was confirmed that the Ambulance Service had taken the decision to continue to work from the new Coventry Fire Station and would continue to use the parking facilities and three crews would use a room. The Authority would recharge the Ambulance Service and an update would be presented on the new Coventry Fire Station at a future Policy Planning Forum.

One member felt the relationship with the Representative bodies was the best it had been for a long time and was a very encouraging position for future negotiations. The CFO confirmed that it was the best in living memory and the relationship was a unique one and one of the best in the country. The Representative Bodies: Fire Officers Association; Fire Brigades Union and Unison worked with the Strategic Enabling Team and attended their meetings on a monthly basis.

78/16 Result of Fire Service Prosecutions

The Chief Fire Officer reported on the following successful prosecutions which had been brought under the Regulatory Reform (Fire Safety) Order 2005:

- 161 Hagley Road, Edgbaston, Birmingham B16 8QU following an anonymous complaint which identified multiple failures to comply with fire safety legislation and which constituted a risk of death or serious injury in the event of fire. The responsible person for the company was sentenced to a total of 19 months immediate custody and was ordered to pay £13,820.65 costs in respect of five offences.
- Intelligent Foods Central Limited (trading as Subway)
24 Queen Square, Wolverhampton WV1 1TQ following a routine inspection of an adjoining premises which identified a number of multiply failures to comply with the fire safety legislation which constituted a risk of death or serious injury in the event of fire. The Director and Responsible Person for the limited company was fined £15,000 and was ordered to pay £5,868.30 costs.

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- 254 Humber Road, Coventry following a serious fire resulting in life changing injuries to one casualty and multiple failures to comply with the fire safety legislation which constituted a risk of death or serious injury in the event of a fire. The Responsible Person pleaded guilty to one offence which incorporated the remaining six offences and was fined £25,000 and was ordered to pay costs of £24,300 and received a custodial sentence of four months imprisonment suspended for two years and 250 hours unpaid work.

In answer to a Member's enquiry, the Treasurer stated that the recovering of costs depended on the complexity of the prosecution, but all reasonable costs are recovered as a result of a prosecution.

The Authority charge £55 an hour and the average for each case would be £3,000. All costs for Sandwell Legal and Barristers costs are reclaimed. The Treasurer confirmed that the costs/income are held centrally in the Protection Corporate Budget.

The CFO advised that the Authority charge £55 an hour for officers time and it is the Authority's statutory duty under the Regulatory Reform Order to undertake the advice and enforce approach.

In respect to a Member's enquiry the Treasurer confirmed the Authority are entitled to cost recovery only for officer's time and cannot make a profit from prosecutions but this figure is reviewed annually.

It was confirmed that the timeframes for the offences were included in the report and prosecutions are reported annually.

In answer to a Member's enquiry, it was confirmed that the policy had changed three months previously and as well as giving advice and obtaining approval to institute legal proceedings, Officers can also place simple cautions on the record of certain premises. This is an officer decision which taken following subject matter advice by the Fire Safety Officer involved, and then approved by the Head of Fire Safety and finally the Assistant Chief Officer. This is a delegated responsibility from the Chief Fire Officer. The Authority's position is to "Keep Business in Business" and this course of action enables this to happen.

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79/16 Minutes of the Audit Committee held on 5 September 2016

The Minutes of the Audit Committee held on the 5 September 2016 were received.

80/16 Minutes of the Scrutiny Committee held on 5 September 2016

The Minutes of the Scrutiny Committee held on the 5 September 2016 were received.

81/16 Notes of the Policy Planning Forum held on 5 September 2016

The notes of the Policy Planning Forum held on 5 September 2016 were received.

82/16 Notes of the Joint Consultative Panel held on 19 September 2016

The notes of the Joint Consultative Panel held on the 19 September 2016 were received.

The Chair of the Joint Consultative Panel wished to inform the Authority of the work of the Panel in respect of the importance of wellbeing and the work being carried out to recognise the issues pertinent to men in the workplace. The Chair also wanted to highlight the improved relationships between the representative bodies and management and working together to resolve problems.

Councillor Linda Clinton took the opportunity to highlight the Birmingham City Council Launch of their "Slower is safer" road safety campaign to reduce speed limits to 20 miles per hour where appropriate. Members were asked to make a personal pledge to the campaign by taking a photograph and then circulate the pledge and photograph on social media using the email address on the cards they had been given.

Councillor Clinton stated that this was a Police initiative that Birmingham City Council and WMFS were supporting. The campaign was aimed at children using the "Coney" family, a family of traffic cones. A teaching package was available for schools and Members were requested to get in touch if they were interested.

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Assistant Chief Officer Gary Taylor asked the Authority to recognise the work undertaken by Councillor Clinton and thanked her for her support and influence in the area of road safety. He stated that Road Traffic Accidents were increasing and the leadership and influence shown by Councillor Clinton in this area was fantastic. The Chair also thanked Councillor Clinton on behalf of the Authority.

83/16 Minutes of the Executive Committee held on 10 October 2016

The minutes of the Executive Committee held on 10 October 2016 were received.

84/16 Minutes of the Scrutiny Committee held on 10 October 2016

The minutes of the Scrutiny Committee held on 10 October 2016 were received.

85/16 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 Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to any action taken, or to be taken in connection with the prevention, investigation or prosecution or crime).

86/16 Planned Procurement Exercise for 2016/17

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 2016/17 for Firefighter training.

A blended approach would be taken to training to ensure the Service Delivery Model.

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The Chair stated that officers had ensured that the best quality approach had been taken by the procurement team and they would report back to the Authority with the outcome. The Service would be recruiting approximately 60 firefighters a year over the next three years which was a good news story. The selection process required applicants to live within the West Midlands postcode area and would ensure that the Service could maintain its Service Delivery Model using the Voluntary Additional Shifts up until 2020. It was confirmed the funding would come from the Revenue budget.

Resolved that the tender exercise for the provision of Recruit Training to West Midlands Fire and Rescue Authority during 2016/17 be approved.

87/16 **Action of the Chief Fire Officer in Consultation with the Chair and Vice Chair**

The Authority noted the action taken by the Chief Fire Officer, in consultation with the Chair and Vice Chair, on the instigation of legal proceedings for the failure to comply with the Regulatory Reform (Fire Safety) Order 2005.

88/16 Councillor Davis had noticed that a Fire Service Choir, the Choir Brigade had formed and he had attended the Solihull Remembrance Service where the Fire Service Band had played. He thought they were excellent and a credit to the Service.

(The meeting ended at 1215 hours)

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