

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

16 APRIL 2018

1. ROUTE MAP TO MAYORAL COMBINED AUTHORITY GOVERNANCE: CONSULTATION OUTCOMES AND SCHEME SUBMISSION TO SECRETARY OF STATE

Report of the Clerk to the Authority.

RECOMMENDED

THAT the Authority:

- 1.1 Note the outcomes of the public consultation on the governance of West Midlands Fire Service (the Service) by the West Midlands Combined Authority (WMCA).
- 1.2 Note the amendments made to the indicative timeline.
- 1.3 Note the outcomes of WMCA constituent councils' Cabinet meetings to date on the consultation outcomes report.
- 1.4 Note the proposed next stages of the governance route – submission of scheme and governance review to the Secretary of State for the Home Office.

2. PURPOSE OF REPORT

This report is submitted to inform members of the progress made to date in the route to Mayoral West Midlands Combined Authority governance of the Service since the last report presented to the Authority on 20 November 2017.

3. BACKGROUND

Governance Review and Scheme

- 3.1. Following the report presented to Authority on 20th November 2017, the WMCA board approved to carry out a formal public consultation on the scheme at their meeting held on 8th December (see background papers).

This paper seeks to update the Authority on the progress made to date, the outcomes of the public consultation and next steps.

- 3.2. The WMCA supported the Authority's broad proposal for the transfer of its functions to the Mayoral WMCA on 3rd March 2017.
- 3.3. On the 8th September 2017 the WMCA Board noted the indicative timeline for the proposed governance route and approved the development of a governance review and scheme for the Mayoral WMCA governance of the Service pursuant to Sections 111 and 112 (1d) of Local Democracy, Economic Development and Construction Act 2009.
- 3.4. The Governance Review (presented to Authority 20th November) provided a review of existing governance arrangements and functions, this included the proposed new model and its benefits under the Mayoral WMCA.
- 3.5. The Scheme (presented to Authority 20th November) detailed the roles, accountabilities, and powers required by each individual and body in the proposed governance model.
- 3.6. The benefits of the Mayoral WMCA governance model provides huge opportunities for the joint transformation of public services to West Midlands communities, providing value for money in the delivery of public safety. The benefits can be broadly summarised under four main themes: public safety delivered through a broad range of responses to emergency services, a workforce to support joined up services and reduce vulnerability, continued improvement and transformation, and operational independence.
- 3.7. In adherence to section 112 of Local Democracy, Economic Development and Construction Act 2009, which states that a combined authority must seek the approval of its constituent councils on the governance review and scheme, all seven constituent councils were consulted between October and November 2017.
- 3.8. Unanimous support for the proposed scheme was received from all seven constituent councils, along with approval to proceed to a public consultation.

Comments received from councils included: that the fire budget and fire reserves be ring-fenced, that the Mayor appoint the Chair of the Mayoral Fire Advisory Committee (MFAC) in consultation with constituent council Leaders, and that MFAC be composed of no fewer than 15 members to ensure sufficient representation from all constituent authorities. As part of the public consultation exercise the Scheme was revised to reflect these concerns (see Appendix A). These outcomes and the revised scheme was presented to the WMCA on 8th December 2017 and approval to hold a public consultation was passed.

Consultation

- 3.9. A formal public consultation (Appendix B) on the proposed scheme was launched on 11 January 2018 for a period of eight weeks to 8 March 2018. This was pursuant to section 113 (3) Local Democracy, Economic Development and Construction Act 2009. The consultation is a requirement for the making of an order, which stipulates that the Secretary of State must not only consult constituent councils within a combined authority's area but also must have 'due regard to the need - (a) To reflect the identities and interests of local communities and (b) To secure effective and convenient local government'.
- 3.10. The consultation sought views on the detail of the proposed scheme, this includes the roles of the Mayor and WMCA, the proposed MFAC and the Chief Fire Officer. The consultation also sought the views of the communities of the combined authority's area on the stated benefits of the proposed governance change and the transfer of powers to the Combined Authority.
- 3.11. The consultation approach consisted of an [animation](#), frequently asked questions list, the scheme, a survey, plain English text of the governance journey and of key roles. Advice and guidance was sought from constituent council communications departments and the public relations and public affairs firm - the Built Environment Communications Group (BECG), who are members of the Consultation Institute which promotes best practice within public consultations across the UK.

3.12. In order to reach all sections of the society the consultation has been promoted through a comprehensive range of digital and non-digital forums:

- WMCA website,
- Constituent council websites,
- The Service's website and social media pages,
- Press releases,
- Letters to key stakeholders (see full consultation outcomes report in Appendix C for stakeholder list),
- Letters to West Midlands MPs whose constituencies fall within the WMCA area,
- Letters to MEPs,
- The Service's staff promoted the consultation through contact time with communities as part of normal prevention based activities and focused command based workshop events,
- 1000 printed copies of the survey were disseminated by staff to harder to reach groups via youth engagement initiatives and places of worship,
- 200 copies allocated to each constituent council for distribution at key locations such as council offices and libraries,
- Graphics were also provided to each constituent council for display on plasma screens,
- The survey was available in easy read and large print as well as cd audio formats upon request, a helpline was also set up to enable disabled members of the public to complete the survey with the support of a member of staff. A total of four easy read versions, seven large print versions and four audio versions were requested.

3.13. Overview of responses to the consultation are as follows (see Appendix C for full consultation outcomes report):

- Outcomes of question 1: 47% of respondents 'strongly agreed' or 'agreed' that the WMCA should take on the responsibility for the functions of the West Midlands Fire and Rescue Authority. Conversely, 40% of respondents strongly disagreed or disagreed with the proposed governance change.
- Outcomes of question 2: 59% of respondents 'strongly agreed' or 'agreed' that there should be a Fire Advisory Committee, consisting of members from the WMCA constituent councils, the Police and Crime Commissioners Office, Health and Ambulance Trust, that will advise, support and review decisions made by the Mayor. Conversely, 32% of respondents either 'strongly disagreed' or 'disagreed' with this element of the proposed governance changes.
- Outcomes of question 3: 55% of respondents 'strongly agreed' or 'agreed' that the Chief Fire Officer should be accountable to the Mayor for the operational functions of the Fire Service, whereas 35% either 'disagreed' or 'strongly disagreed'.
- Outcomes of question 4: 42% of respondents 'strongly agreed' or 'agreed' that the Mayoral WMCA taking on responsibility for the function of West Midlands Fire and Rescue Authority would achieve those aims outlined within the questions posed. Conversely, 42% of respondents 'strongly disagreed' or 'disagreed' with one or more of the aims listed.
- Outcomes of question 5: 39% of respondents 'strongly agreed' or 'agreed' that the Order to transfer the Fire Service into the Combined Authority is likely to: improve the statutory functions in the Combined Authority area; reflect the local communities; and secure effective and convenient local government. 41% of respondents either 'strongly disagreed' or 'disagreed' with the question. The outcomes for question 5 also show the highest number of 'don't know' responses (4% of respondents), as well as the highest number of 'neither agree or disagree' (15% of respondents).

- Questions 6 – 14 enquire about the identity of the respondent to inform the Secretary of State's need to give due regard to views of the communities of the West Midlands. The identities of respondents broadly reflect the communities of the West Midlands, however, numbers for Asian and Black communities is lower than targets.
- Outcomes also show that 46% of respondents stated they work for the public sector, which represents an engaged workforce and indicates a balanced representation across all sectors.

Stakeholder Letters

3.14 To date, letters of support have been received from Andrea McIntyre, MEP, Professor Simon Brake from the NHS and the Chair of West Midlands Fire and Rescue Authority.

3.15 A letter was submitted by the Fire Brigades' Union (FBU) in response to this governance direction and has been included in the Summary report (Appendix C).

Constituent Council Consideration of Consultation Outcomes Report

3.16. The seven constituent councils are currently considering the outcomes of the public consultation, the report seeks consent to proceed with the submission of this governance proposal to the Home Secretary.

3.17. At the time of writing this report the consultation outcomes report had been tabled at three Cabinet meetings, two meetings will have taken place following the publishing of this report for which a verbal update will be provided at the Authority meeting, and two will take place following this meeting. The schedule of Cabinet meetings is presented in the table below:

CONSTITUENT COUNCIL	CABINET (seeking consent)	Outcomes
Birmingham	17 th April	
Coventry	10 th April	Verbal update to be provided.
Dudley	21 st March	Approved subject to full Council approval on 9 th April. Verbal update to be provided.
Sandwell	21 st March	Consent to proceed granted.
Solihull	5 th April	Consent to proceed granted.
Walsall	21 st March	Consent to proceed granted.
Wolverhampton	25 th April	

Indicative Timeline and Next Steps

3.18 As requested by constituent councils, the indicative timeline presented to Authority in November 2017 has been extended to allow for councils to note the outcomes of the consultation and provide consent to the draft order produced by the Government:

DETAILS	DATE
WMCA approved a governance review and scheme to be developed	8 September 2017
Development of governance review and scheme, which considered the business case for the change in governance.	September 2017
Constituent council approval of the content of the governance review and scheme.	October- November 2017
WMCA approval of the content of the governance review and scheme and approval to proceed to public consultation.	8 December 2017
Consultation of proposals set out in the scheme on behalf of the Secretary of State	January- February 2018
Analysis of consultation responses locally	March 2018
Constituent councils consider outcomes of the public consultation. Seek consent of constituent	April - May 2018

councils to submit proposal to Secretary of State.	
Governance review, scheme and analysis of consultation reviewed by Secretary of State (4-12 weeks).	June 2018
Government development of order required to give effect to the proposed changes.	July - September 2018 (NB. Parliamentary recess)
Constituent council and WMCA approval of detail of order	October - November 2018
Order enters Parliamentary process	December 2018 - January 2019
Secretary of State approves order	February 2019
The West Midlands Fire and Rescue Authority functions transfer to the WMCA	February/March 2019

3.19. Receipt of the draft order from the Home Office is anticipated following Summer recess this year. To allow for effective adherence to the timeline, it has 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.

4. **EQUALITY IMPACT ASSESSMENT**

4.1 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/or do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

5.1 The legal implications and process for devolving powers to the WMCA are set out in this report and were included in the previous reports to the Authority. The WMCA and the Service have consulted legal officers from the seven West Midlands constituent councils for advice and guidance throughout the development of the proposals. All the relevant legislation relating to the proposed governance route are reflected in the Governance Review and

Scheme.

6. **FINANCIAL IMPLICATIONS**

- 6.1 The cost of this governance route has and will continue to be met from within existing approved budgets which have largely been delivered through the Service. Support has also been provided from the WMCA and local authority Legal services.
- 6.2 The cost of the consultation exercise was circa £16.5k. The funding for this was provided by the WMCA.
- 6.3 Future reports will detail any additional costs that will need to be met.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this stage.

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)

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

KAREN GOWREESUNKER
CLERK TO THE AUTHORITY