



**WEST MIDLANDS
FIRE AND RESCUE
AUTHORITY**

ANNUAL MEETING

Monday, 27 June 2016 at 11:00

**FIRE SERVICE HEADQUARTERS,
99 VAUXHALL ROAD,
BIRMINGHAM, B7 4HW**

Distribution of Councillors	
<u>Birmingham</u>	G S Atwal D Barrie K Booth A Cartwright L Clinton B Dad N Eustace M Idrees R Sealey S Spence
<u>Coventry</u>	B Singh D Skinner S Walsh
<u>Dudley</u>	A Aston N Barlow M Mottram (JP)
<u>Sandwell</u>	K Allcock J Edwards C Tranter
<u>Solihull</u>	S Davis P Hogarth
<u>Walsall</u>	O Bennett S Craddock A Young
<u>Wolverhampton</u>	G Brackenridge T Singh P Singh

Car Parking will be available for Members at Fire Service Headquarters.

Accommodation has been arranged from 10.00 am for meetings of the various Political Groups.

Fire Authority

You are summoned to attend the meeting of Fire Authority to be held on
Monday, 27 June 2016 at 11:00

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

for the purpose of transacting the following business:

Agenda – Public Session

- 1 To elect the Chair of the Authority for the ensuing year
- 2 To elect the Vice-Chair of the Authority for the ensuing year
- 3 To receive apologies for absence (if any)
- 4 Declarations of interests in contracts or other matters
- 5 Chair's announcements
- 6 Minutes of Fire Authority held on 11 April 2016 7 - 14
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- 13 Governance Statement 2015-2016 65 - 74

14	<u>Future Governance of West Midlands Fire Service</u>	75 - 104
15	<u>Monitoring of Finances</u>	105 - 110
16	<u>Annual Report of the Audit Committee 2015-16</u>	111 - 120
17	<u>Annual Report of the Scrutiny Committee 2015-16</u>	121 - 128
18	<u>Minutes of the Executive Committee held on 21 March 2016</u>	129 - 134
19	<u>Notes of the Policy Planning Forum held on 21 March 2016</u>	135 - 142
20	<u>Minutes of the Audit Committee held on 11 April 2016</u>	143 - 150
21	<u>Notes of the Joint Consultative Panel held on 11 April 2016</u>	151 - 154
22	<u>Minutes of the Appointments Committee held on 2 June 2016</u>	155 - 156
23	<u>Notes of the Policy Planning Forum 6 June 2016</u>	157 - 168
24	<u>Minutes of the Audit Committee held on 6 June 2016</u>	169 - 174
25	<u>Minutes of the Scrutiny Committee held on 6 June 2016</u>	175 - 178
26	<u>Exclusion of the public and press</u> Chair to move:- <i>"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."</i>	

Agenda (not open to public and press)

27 Fire Control Update

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Agenda prepared by Julie Connor

Strategic Hub, West Midlands Fire Service

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

Clerk Name: Karen Gowreesunker

Clerk Telephone: 0121 380 6678

Clerk Email: Karen.Gowreesunker@wmfs.net

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

**11 April 2016 at 11.00 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Cllrs Afzal, Aston, Singh Atwal, Barrie, Clinton, Craddock, Davis, Dehar, Douglas-Maul, Edwards Eustace, Hogarth, Idrees, Miks, Quinnen, Sealey, Shackleton, B Singh, P Singh, T Singh, Spence, Ward and Young

Apologies: Cllrs Barlow, Mottram, Skinner and Tranter

Observer: Mr M Ager

18/16

Chair's Announcements

The Chair reflected on the recent death of Councillor Darren Cooper, Leader of Sandwell Council. He stated that Councillor Cooper had been a friend of the Fire Authority and would be a hard act to follow and sadly missed. On behalf of Sandwell Council, the Chair thanked the Members for the messages from their District Councils

Cllrs Anita Ward and Jasbinder Dehar would be taking a break from Council business and the Chair thanked them for their work on the Fire Authority.

The Chief Fire Officer also thanked the non-returning members and stated that he looked forward to seeing them in the future.

The Chief Fire Officer wished to place on record the condolences of West Midlands Fire Service on the recent death of Councillor Cooper.

[ILO: UNCLASSIFIED]

A serious fire had occurred on 29 March 2016. The Chief Fire Officer confirmed that resources arrived quickly at the scene and firefighters had worked hard to save the electrical power for 45,000 homes in East Birmingham. The Chief Fire Officer asked Members to join him with him in thanking the staff involved in a job well done.

The Chief Fire Officer confirmed that West Midlands Fire Service had undertaken a contract with Wolverhampton City Council to provide a Telecare service and the Brigade were looking to roll out the service within the seven District Councils.

19/16 **Minutes of the Authority meeting held on 15 February 2016**

Cllr Aston's name was removed from those present as his apologies had been recorded at the meeting.

Resolved that the minutes of the meeting held on 15 February 2016, be confirmed as a correct record.

20/16 **Statement of Assurance 2014-15**

The Clerk to the Authority introduced the Authority's Statement of Assurance for 2014-15 for approval and confirmed that the report is reviewed and produced annually under the Fire and Rescue National Framework 2012. The Statement of Assurance covers four areas; Financial, Governance, Operational and Future improvements.

Members felt that the Statement of Assurance was an excellent document that showed everything that the Authority and Organisation undertook was achieved to a very good standard. It was noted the resolution of a couple of the pictures was low which affected the quality.

Resolved that the Statement of Assurance 2014-15 be approved.

Substantive Appointment to the Post of Assistant Chief Fire Officer

Officers with an interest in the appointment left the room at this point of the meeting.

The Chief Fire Officer informed the Authority of a long standing vacancy for the post of Assistant Chief Fire Officer. With regard to the current financial environment and what has happened previously the Authority were asked to select a preferred option to enable recruitment to take place. The options were:

1. An internal recruitment process be followed for the Appointment on a substantive basis to the post of Assistant Chief Fire Officer, or
2. An external recruitment process be followed for the Appointment on a substantive basis to the post of Assistant Chief Fire Officer.

Members considered the role description and the benefits and disadvantages of both options.

It was felt that different methods should be used for different posts but at the current time the internal option made sense for this post.

The Chair agreed with this and confirmed that previously different methods had been used in the recruitment processes for the Chief and Deputy Chief Fire Officer posts and that many Brigades were also looking internally.

Resolved that an internal recruitment process be followed for the appointment on a substantive basis to the post of Assistant Chief Fire Officer.

Contracts Awards Summary for Period to 31 March 2016

At its meeting held on 29 June 2015, Members approved a number of revisions to the Constitution. One revision was that a retrospective twice yearly summary report of tender contract awards in excess of £250,000 be submitted to the Executive Committee/Fire Authority for information purposes. A summary of the contracts was provided together with a list of contracts between £100,000 and £250,000 as requested at the Authority meeting on 21 September 2015 (minute number 72/15).

When the changes to the Constitution were approved in June 2015, Members were made aware of the limited risk for this course of action, which is borne out in the figures provided and future reports would be produced in line with the Constitution.

In respect to a Member's enquiry about two different Gas and Electricity suppliers, it was confirmed that contracts are let to the most efficient supplier.

Resolved that the contracts between £100,000 and £250,000 and contracts in excess of £250,000 that have been awarded since 1 October 2015 be noted.

23/16 **Notes of Policy Planning Forum held on 18 January 2016**

The notes of the Policy Planning Forum held on 18 January 2016 were received.

24/16 **Minutes of Audit Committee held on 18 January 2016**

The minutes of the Audit Committee held on 18 January 2016 were received.

25/16 **Notes of Policy Planning Forum held on 1 February 2016**

The notes of the Policy Planning Forum held on 1 February 2016 were received.

26/16 **Notes of Joint Consultative Panel held on 1 February 2016**

The notes of the Joint Consultative Panel held on 1 February 2016 were received.

The Chair of the Joint Consultative Panel (JCP) thanked everyone concerned with the work of the JCP. The training for management on stations had been successful and the number of disciplinary cases had reduced.

The Chair of the JCP also wished to thank and commend the members of staff who organised the Employment Law training and the Presenter. The Chair stated that the training was well received.

In response to a request for another training session, the Chair suggested that the course should be organised again in the New Year.

The Leader of the Opposition Group thanked the Chair for his personal kindness and thanked officers and all staff for their work and behaviour over the last year.

The Chair agreed that the Fire Service would continue to experience a very difficult period up to 2020, but great work had been achieved despite huge budget reductions. Our commitment to the Service Delivery Model and continual work with Trade Unions, makes West Midlands the best Fire Service in regard to response time.

The Chair thanked all staff and the Members of the Authority for their work.

27/16 **Minutes of the Scrutiny Committee held on 15 February 2016**

The minutes of the Scrutiny Committee held on 15 February 2016 were received.

28/16 **Exclusion of 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).

29/16 **Indemnity Provision for Principal Officers**

Approval was sought for the inclusion of an indemnity provision for Principal Officers, which will provide separate legal representation in the event that criminal or civil proceedings are brought against these individuals in carrying out the delegated duties of their roles.

The Authority's Constitution, Scheme of Delegations (part 3.1) sets out the delegated powers and responsibilities of the CFO in acting on behalf of the Authority. The Scheme of Delegations further delegates these powers to the CFO and ACFO in the event of absence or conflict of interest.

These delegated powers, duties and relevant job description responsibilities identify the Principal Officers (CFO, DCFO & ACFO) as the 'responsible persons(s)' or 'controlling mind' of the

organisation and as such the person(s) responsible for health and safety and safe systems of work. This in turn means that in the event of a major operational incident that leads to loss of life or serious injury, there exists the potential for criminal or civil action to be brought directly against the Principal Officers.

If any criminal or civil liability proceedings were successful against any Principal Officer, any monies provided under an indemnity to fund the defence of the criminal proceedings would be paid back to WMFRA via a civil debt.

It was noted that The Association of Principal Fire Officers recommends this course of action.

Part 1.1-1.3 of the indemnity for Principal Officers is already provided through the Authority's Insurers, as part of existing liability insurance. Part 1.5 requires additional cover through the Authority insurers and an undertaking has been given around the cost of the Indemnity insurance, which would be begin at £5,000 plus IPT (9.5%) per annum (minimum premium) with a limit of £100,000 on any one claim with an excess of £1,000 on any one claim.

In answer to a Members question, it was confirmed that if any proceedings are successful the costs would be recouped from the Principal Officer.

It was confirmed that firefighters are covered but the Crown Prosecution Service and Health and Safety Executive would target Principal Officers as being ultimately responsible.

It was confirmed that the Authority is already indemnified.

The Chair confirmed that this form of indemnity is already in place in some fire authorities and the need for this indemnity will increase.

Resolved that:

1. The provision of an indemnity to the Chief Fire Officer, Deputy Chief Fire Officer, and Assistant Chief Officer, herein after referred to as 'Principal Officers', in defence of any criminal or civil proceedings brought against these individuals due to, or in the course of them carrying out the delegated powers, duties and/or responsibilities of their role, be approved.

2.The provision of an indemnity be included in the terms and conditions of employment for the 'Principal Officers'. It is intended that the wording in Appendix 1 will be included as a clause in the relevant contracts of employment, be approved.

3. A report be submitted to the September 2016 Authority meeting to confirm the outcomes of discussions with Authority insurers in accordance with paragraphs 3.12 and 3.13 in this report, be approved.

30/16 **Contracts Awards summary**

Approval was sought for the planned tender exercise for the provision of goods and services in accordance with the Procurement Standing Order 1/8.

In answer to an enquiry it was confirmed that the Integrated Office365 is a cloud based, more effective and efficient Information Technology system.

Resolved that the tender exercise for the provision of:

1. Liquid Fuels
2. Multifunctional Devices
3. Boiler Replacements
4. Reactive Repair Framework
5. Rebuild of Aston Fire Station
6. Station End Mobilising Equipment
7. Wireless Network Infrastructure
8. Integrated Office365

be approved.

The meeting finished at 1135 hours.

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

1. **MEMBERSHIP OF THE AUTHORITY 2016/2017**

Report of the Clerk.

RECOMMENDED

THAT the report be noted.

2. **PURPOSE OF REPORT**

To advise of the appointments made by the constituent district councils to the Authority for 2016/2017.

3. **BACKGROUND**

The membership of the Authority for 2016/2017 is as set out in the Appendix.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

Fire and Rescue Authorities were first established by Section 26 of the Local Government Act, 1985, which provides that such authorities shall consist of members appointed by the metropolitan districts comprised in the relevant county. The number of members to be appointed by each district council is set out in Schedule 10 of that Act.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

[ILO: UNCLASSIFIED]

Background Papers

Letters/emails from district councils.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

Karen Gowreesunker
CLERK

[ILO: UNCLASSIFIED]

Membership of the West Midlands Fire and Rescue Authority
2016/2017

Birmingham

Councillor Gurdial Singh Atwal (<i>Labour</i>)	Councillor David Barrie (<i>Conservative</i>)	Councillor Kate Booth (<i>Labour</i>)
Councillor Andy Cartwright (<i>Labour</i>)	Councillor Lynda Clinton (<i>Labour</i>)	Councillor Basharat Dad (<i>Labour</i>)
Councillor Neil Eustace (<i>Liberal Democrat</i>)	Councillor Mohammed Idrees* (<i>Labour</i>)	Councillor Robert Sealey (<i>Conservative</i>)
Councillor Sybil Spence (<i>Labour</i>)		

Coventry

Councillor David Skinner (<i>Conservative</i>)	Councillor Bally Singh** (<i>Labour</i>)	Councillor Seamus Walsh* (<i>Labour</i>)
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Dudley

Councillor Adam Aston* (<i>Labour</i>)	Councillor Nicolas Barlow (<i>Conservative</i>)	Councillor Melvyn Mottram ** (<i>Labour</i>)
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Sandwell

Councillor John Edwards* (<i>Labour</i>)	Councillor Keith Allcock (<i>Labour</i>)	Councillor Christopher Tranter ** (<i>Labour</i>)
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Solihull

Councillor S Davis* (Conservative)	Councillor P Hogarth** (Conservative)
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Walsall

Councillor Oliver Bennett** (Conservative)	Councillor Stephen Craddock (UKIP)	Councillor Ann Young* (Labour)
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Wolverhampton

Councillor Greg Brackenridge ** (Labour)	Councillor Paul Singh (Conservative)	Councillor Tersaim Singh* (Labour)
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* Member nominated to answer questions under Section 41 of the Local Government Act 1985 ("Lead" Member).

** Substitute Member nominated to answer questions under Section 41 of the Local Government Act 1985 ("Lead" Member).

Independent Member of the Audit Committee

Mr M Ager

[ILO: UNCLASSIFIED]

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

1. **QUESTIONS ON DISCHARGE OF FUNCTIONS**

Report of the Clerk.

RECOMMENDED

THAT the Authority nominates the members listed below to answer questions on the discharge of the functions of the Authority as required by Section 41 of the Local Government Act 1985.

2. **PURPOSE**

The purpose of this report is to nominate members to answer questions put in the course of proceedings of constituent Councils on the discharge of the Authority's functions (as required by Section 41 of the Local Government Act 1985).

3. **BACKGROUND**

- 3.1 Under Section 41 of the Local Government Act 1985, arrangements have to be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council. Members of that Council can put questions to a Member who is nominated by the Authority for that purpose.
- 3.2 Although the Authority has responsibility for nominating Members, it is normal practice to seek the views of the district councils as to the person they wish to see nominated for this purpose. The nominations received are set out below:-

	<u>Lead Member</u>	<u>Substitute</u>
Birmingham	Councillor Idrees	Councillor L Clinton
Coventry	Councillor Walsh	Councillor B. Singh
Dudley	Councillor Aston	Councillor Mottram
Sandwell	Councillor Edwards	Councillor Tranter
Solihull	Councillor Davis	Councillor Hogarth
Walsall	Councillor Young	Councillor Bennett
Wolverhampton	Councillor T. Singh	Councillor Brackenridge

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 Under Section 41 of the Local Government Act 1985, arrangements have to be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications arising from this report.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

Background Papers

Letters/emails from district councils.

Karen Gowreesunker
Clerk to the Authority

Melanie Dudley
Monitoring Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

Item 9

1. GOVERNANCE OF THE AUTHORITY 2016/2017

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT minor amendments to the constitution and terms of reference of the Standards Committee, Audit Committee and Policy Planning Forum as set out in section 3.2. be approved;
- 1.2 THAT the calendar of meetings for 2016/2017 as set out in Appendix 3 be approved;
- 1.3 THAT no percentage increase be made in Members' Allowances in 2016/17 by way of indexing or otherwise;
- 1.4 THAT the Members' Allowances Scheme for 2016/17 as set out in Appendix 4 be approved;
- 1.5 THAT in the light of the current financial situation, no action be taken for the time being with regard to convening an independent remuneration panel to review the Members' Allowances scheme and that the situation be reviewed prior to the AGM;
- 1.6 THAT the Clerk be authorised to make any necessary consequential amendments to other constitutional documents in the light of decisions made with regard to governance arrangements for 2016/17.

2. PURPOSE OF REPORT

This report is submitted for the Authority to determine its governance arrangements for 2016/17.

3. BACKGROUND

- 3.1 The Authority's political governance arrangements ensure adherence to the following principles:-

- to be best placed to respond to a range of internal and external issues, to deliver on its commitment to value for money and other key objectives in the Authority's strategic planning document, known as 'The Plan'; and
- decision making processes that are open, transparent, accountable and inclusive in line with government expectations on strengthening local democracy.

3.2 A diagram showing the proposed governance structure for 2016/17 is set out at Appendix 1. This structure has not changed from the structure approved in 2015/2016. Minor changes to the terms of reference of committees are set out below. It is not proposed to make any other changes to terms of reference of any of the bodies within the governance structure except as indicated below:-

Article 4 – Matters for Authority

3.2.1 5(i) Finance and Land Matters – Additional wording as underlined below:

Approval of the accounts and the Annual Governance Statement (delegated to the Audit Committee), and

The title for section 5 cc will be changed from Service Delivery to Responsibility for Strategy under the Fire and Rescue Services Act 2004

Article 5 – Policy Planning Forum

3.2.2 Additional wording added as underlined below:

May refer matters to the Scrutiny Committee for consideration prior to Authority decision making and/or post Authority decision making.

Article 8 – Audit Committee

3.2.3 Additional wording in Financial Reporting as highlighted below:

To review and approve the annual statement of accounts

9 – Standards Committee

3.2.4 Removal of the following wording which sets out the background to legislation surrounding the committee:

- The Localism Act 2011 requires local authorities to have in place arrangements under which allegations of breach of the Member Code of Conduct can be investigated and decisions on allegations can be made.
- The Authority has established a Standards Committee comprising six members selected in accordance with current proportionality requirements to carry out this role.
- The Act also states that at least one Independent Person must be appointed, whose views must be sought and taken into account before a decision on an allegation is made. The Authority has appointed one independent person to the Standards Committee.

3.2.5 It is proposed to replace the above wording with a brief introduction and purpose to the Standards Committee, as follows:

- *The Authority has established a Standards Committee under which allegations of breach of the Member Code of Conduct can be investigated and decisions on allegations can be made. The Standards Committee comprises six members and at least one independent person in accordance with current proportionality requirements.*

3.2.6 The role description of the Independent Person for the Standards Committee will be removed from the terms of reference and maintained separately with all member role descriptions.

Article 12 – Joint Arrangements and Partnerships

3.2.7 Wording has been added to paragraph 12.4 to recognise the West Midlands Combined Authority (WMCA) as a key partner and our position on the WMCA as an observer.

This is set out below. Further amendments have been made to reflect our current vision statement.

- *West Midlands Fire and Rescue Authority holds 'Observer' status within the West Midlands Combined Authority at the Shadow and Programme Board without membership status. The Authority makes a financial contribution of £25,000 for this membership, which provides the ability to fully participate in the debate and work of the Combined Authority and actively contribute to better joint working and visioning for public sector services. As an Observer the Authority is not able to participate in voting, as voting (whilst deemed unlikely) is reserved for Constituent and Non-Constituent members only.*

Following approval of the above amendments, the Constitution will be amended and published electronically.

3.3 **Member Role Descriptions**

The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. Portfolios for the Chair and Vice Chair of the Authority, and the Scrutiny Committee are set out in Appendix 2 together with a role description for members of the Joint Consultative Panel.

3.4 **Programme of Meetings**

A proposed programme of meetings for 2016/2017 is attached as Appendix 3.

Members will note the frequency of scheduled Executive Committee meetings will reduce in 2016/2017. Over the past 2 years approximately half the scheduled meetings have been cancelled. Four Executive Committee meetings have been scheduled throughout the year to support members in delivering against its terms of reference. The nature of Executive Committee is one of 'urgency' and as such the terms of reference identify its core role:

"To deal with all matters of an urgent nature which in the opinion of the Clerk/Monitoring Officer, cannot reasonably be delayed until the next ordinary meeting of the Authority or appropriate committee."

Progress against these arrangements will be reviewed prior to the 2017 AGM.

3.5 **Members' Allowances Scheme**

In accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), the Authority is required to make and approve a scheme of the payments of members' allowances each year.

- 3.6 There was no pay award to NJC and Local Government Services in 2010/11, 2011/12 and members' allowances were not therefore increased. The scheme does not allow for indexing beyond 1 April 2011 and an Independent Remuneration Panel would usually be convened to review the members' allowances scheme. In the years between 2012/13 and 2015/16 in view of the continuing difficult financial situation faced by the Authority, it was agreed to defer reconsideration of the scheme and to review the situation in 12 months' time. There have been minimal increases in local government pay; however, in view of the continuing financial stringency, it is proposed to affirm the stance taken last year and to defer any review of the scheme for a further twelve months.
- 3.7 The Localism Act 2011 introduced a new local standards framework and replaces independent members of the Standards Committee with an 'independent person'. Independent persons are entitled to claim travel and subsistence allowances as appropriate.
- 3.8 A revised members' allowances scheme is attached for approval as Appendix 4.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 This report invites the Authority to determine its decision making and governance arrangements for the coming year taking into account the relevant provisions of the Local Government Act, 1972 and the Local Government and Housing Act 1989.

6. **FINANCIAL IMPLICATIONS**

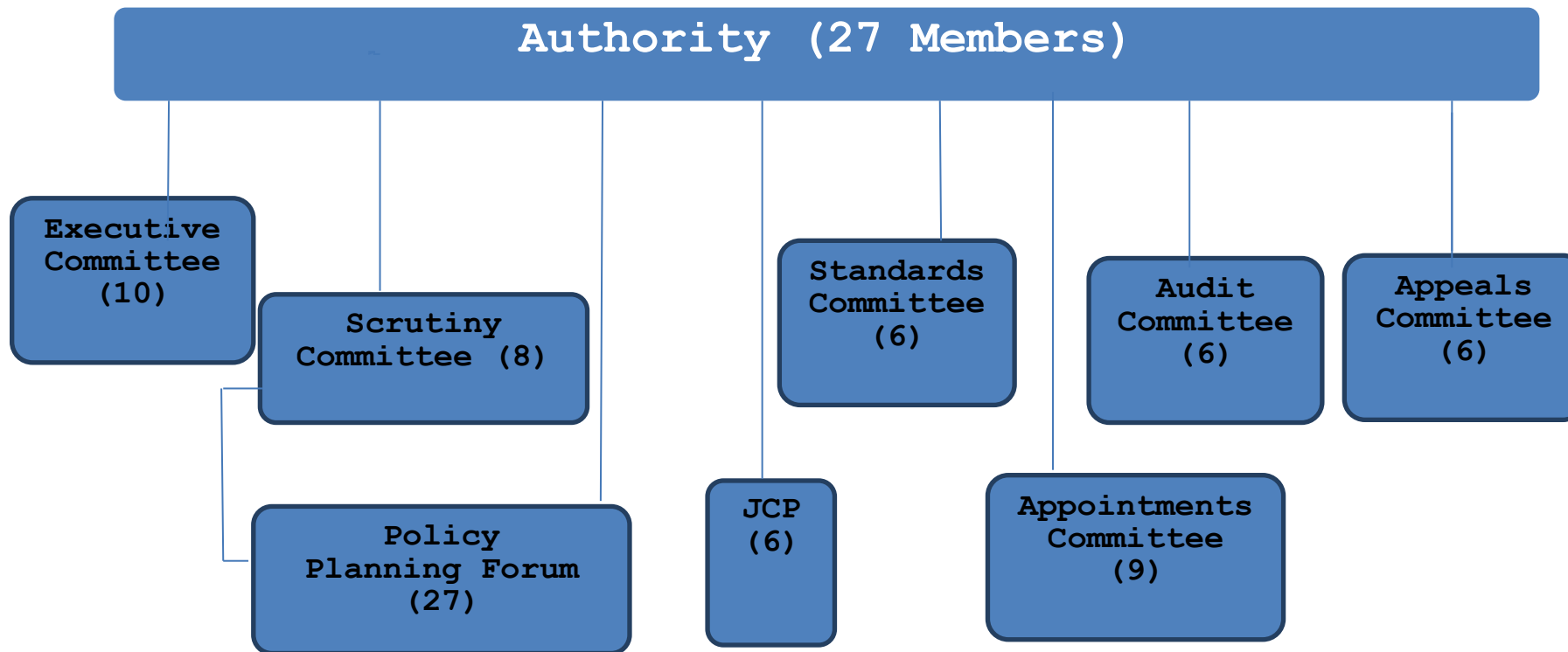
- 6.1 Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision making structures and the payment of Members' Allowances.

BACKGROUND PAPERS

None.

Karen Gowreesunker
CLERK

The contact name for this report is Karen Gowreesunker, telephone number 0121 380 6678.



MEMBER ROLE DESCRIPTIONS 2016/2017

Chair of the Authority

To provide overall political leadership and strategic policy direction to the Authority.

To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair the Executive Committee, Appointments Committee and Chair's Committee and any other meetings as required by the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take overall political responsibility within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Corporate Risk Management and the Integrated Risk Management Plan (The Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Equality and Diversity;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To oversee the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To ensure the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To champion the promotion and maintenance of high standards of conduct throughout the Authority.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

Vice-Chair of the Authority

To support and assist the Chair of the Authority to provide overall political leadership and strategic policy direction to the Authority.

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair the Authority, relevant Committees or other meetings as may be required, in the absence or inability to act of the Chair of the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To support and assist the Chair of the Authority to fulfil his/her overall political management responsibilities within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- Policy and budgetary strategy formulation;

- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Risk Management and the Integrated Risk Management Plan (Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Equality and Diversity;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees or Panels.

To assist and support the Chair in the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To assist in ensuring the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

Chair of the Scrutiny Committee

To lead the work of the Committee in conjunction with the Vice-Chair.

To agree with the Committee at the start of each year a programme of reviews.

To maintain the independence of the Committee and ensure that scrutiny develops as an open and transparent process.

To chair meetings of the Committee ensuring that topics for review are properly scoped and that reviews are completed within agreed timescales.

To ensure that scrutiny is carried out on a non-party political basis and that all members of the Committee participate in the work of the Committee.

To ensure that recommendations from the Committee are evidence based and objective and based on SMART principles (specific, measurable, attainable, realistic and timely).

To present the outcomes and recommendations of reviews to the Executive Committee of the Authority.

To oversee the implementation of recommendations that are accepted by the Executive Committee.

To ensure that members of the Committee have access to training and development on the principles of good scrutiny, equalities and diversity and relevant human resources issues.

To ensure that the Committee acts as a 'critical friend' to non-scrutiny members and officers of the Authority.

To have responsibility, in consultation with the Director of Resources, for the Committee's scrutiny budget.

Vice-Chair of the Scrutiny Committee

To chair the Committee in the absence of the Chair.

To represent the Chair in her/his absence at other Authority meetings.

To support the Chair in review meetings by assisting in the development of appropriate evidence-based recommendations.

Responsibilities of Elected Members of the Joint Consultative Panel

1. Background

West Midlands Fire and Rescue Authority is a statutory body that has a legal duty to provide services as defined by the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 through West Midlands Fire Service (WMFS).

The Fire Authority is the employer for WMFS and the supervisory body which ensures that WMFS performs efficiently and in the best interest of the public and community it serves.

In order to have in place a formal consultation mechanism WMFS, in consultation with the Trade Unions/Representative Bodies, has developed the Employee Relations Framework. Included within the policy is a constitution for a Joint Consultative Committee and a re-established Joint Consultative Panel.

The Employee Relations Framework has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between WMFS and its recognised Trade Unions/Representative Bodies. It is not legally binding, but relies on all parties to work within a spirit of co-operation.

The Joint Consultative Committee (JCC) meetings between managers and Trades Union Officials will take place initially monthly but depending on the needs of the organisation this may be reviewed. This will support the employee involvement process but it does not detract from a manager's responsibility to make decisions. It defines the process for getting employees views prior to decisions being made.

The Joint Consultative Panel provides an opportunity for employee representatives and the employing Authority to comment on matters relating to the conditions of employment of employees of the Service. It also provides a forum for discussion to assist in the consultation process.

2. Purpose

The Joint Consultative Panel provides a means where elected members of WMFRA, Principal Officers of WMFS and Trade Union/ Representative Body representatives who are representatives of WMFS employees, come together on a regular basis to discuss issues of mutual concern. This panel may have items referred to it from the Joint Consultative Committee as part of the negotiation or consultation process. However, a majority of the items considered will be for consultation.

This panel will consider and make recommendations on:-

- any relevant matter referred to it by the Service or by the relevant employee organisations.
- any Employee Relation issues which may arise. (In these circumstances the issue must have been considered at Joint Consultative Committee and if there is an outstanding dispute, as per the Terms of Reference, the dispute may be registered with the organisation).
- the application of the terms and conditions of service for employees.

The Joint Consultative Panel supports and governs the principles set out in the “Working Together” A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the service, its employees, and local communities. WMFS supports the application of these principles for recognised Representative Bodies.

The principles within the Working Together document identify the need for joint commitment from Trade Union Officials and the organisation by defining how the individual representatives will engage and work together to the success of the business.

3. Consultation

Consultation: For the benefit of this process, consultation (as defined in the Employee Relations Framework) goes beyond communication and involves managers actively seeking and then taking account of the views of employees' representatives before making a decision.

Managers are obliged to seek acceptable solutions to problems through a genuine exchange of views and information.

The responsibility for decisions remains at all times with the employer and does not remove the right of managers to manage and make the final decision. Managers must be aware of the need to consult and Trade Union/Representative Body representatives must be aware of the need to respond.

Items may be referred to the Joint Consultative Panel as 'a failure to consult'. The Joint Consultative Panel needs only to consider if appropriate consultation has taken place and not what the outcome of the consultation should be.

The Trades Union will be responsible for identifying where they believe the lack of consultation has taken place. The Strategic Enabler (People Support Services) or delegated representative will provide an audit trail demonstrating the consultation that has taken place and its appropriateness. It is important to stress that a 'failure to consult' should not be considered by the Joint Consultative Panel if it is clear that a consultation process has been used but the Trades Union/ Representative Bodies have chosen not to attend or did not send a deputy.

4. Negotiation

Negotiation: For the benefit of this process negotiation is defined in the Employee Relations Framework as the process by which employers and Trade Union/Representative Body representatives seek to reach agreement through collective bargaining. It requires an agreement to be reached. Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment.

5. **Process for Failure to Consult**

In the case of consultation, if Trade Union/ Representative Body representatives believe there has not been appropriate consultation they can refer the matter to the Joint Consultative Panel. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. The recommendation of the Joint Consultative Panel will only relate to whether appropriate consultation has taken place.

The information relating to the 'Failure to Consult' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/Representative Body representative will present the reasons why they have raised the dispute and the management representative will clarify the consultation process used.

Deliberation will take place, see section 7. The process for consultation is defined within the Employee Relations Framework.

6. **Process for Failure to Agree**

In cases of negotiation, items will be referred to the Joint Consultative Panel if the Joint Consultative Committee has failed to reach an agreement. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. In this situation the Joint Consultative Panel will need to consider the 'failure to agree' and make a recommendation which would be considered by the Authority or Chief Fire Officer prior to it becoming contractual.

The information relating to the 'Failure to Agree' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will be given the opportunity to clarify why it was necessary to make that decision taking into consideration the needs of the organisation to provide a quality service as efficiently and effectively as possible contributing to making the community safer.

7. The Elected Member group will adjourn to consider the presentations made. If further information is required both parties will be called back to the Elected Member group even if the query relates to one side. The Elected Member group will then give their decision on their recommendation back to the Service.

The Elected Members may be assisted by a Technical Advisor. The advisor and the representative from the Clerk to the Authority will adjourn with the panel. The Technical Advisor and Clerk are not part of the decision making process. Their role is to give advice on the Service's policy, process or interpretation of legislation

The presenter of the management case must not be the adviser to the panel.

8. Declaration of Interests

Pecuniary and other interests should be declared at the beginning of each meeting under 'Declaration of interests'. Where a member has a personal interest in the outcome of any item referred to the Joint Consultative Panel, they should declare this at the beginning of the meeting under the standing item on the agenda.

9. Confidentiality

Elected members are bound by the Model Code of Conduct. This Code of Conduct should be considered prior to any discussions or conversations with Trade Union representatives outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

10. Decision Making

The General Principles underlying within the Code of Conduct outline the considerations for elected members when making decisions. Elected members should consider carefully how their decisions might affect the community, Service and other stakeholders/partners. Members should strive to operate as a team in which constructive working relationships are actively promoted.

11. General

Elected members have a responsibility to actively promote good employment relations and lead by example through their actions and conduct. Individual Fire Authority Members will actively promote good employment relations through their own actions and behaviours in accordance with the Members' Code of Conduct and the Service's core values in respect of their communications with the Trade Unions/ Representative Bodies.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**CALENDAR OF MEETINGS 2016/17**

Date	Time	Meeting
2016		
Monday 27 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]
Monday 11 July	9.30 am	Members Induction
	2.00 pm	Pensions Board
Monday 25 July	10.30 am	Audit Committee
Monday 15 August	10.00 am	Scrutiny Committee
Monday 5 September	9.00 am 10.30 am 12.30 pm	Chair's agenda meeting Policy Planning Forum Audit Committee
Monday 19 September	11.00 am to follow	Authority [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 10 October	10.00 am 10.30 am 12.30 pm 12.30 pm	Executive Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 7 November	9.00 am 10.00 am 1.00 pm	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel (pre meeting tbc)
Monday 14 November	10.30 am	Scrutiny Committee
Monday 21 November	11.00 am	Authority [political groups at 10 am]
Monday 12 December	10.00 am 10.30 am	Executive Committee Policy Planning Forum

2017		
Monday 16 January	10.30 am 12.30 pm	Policy Planning Forum Audit Committee
Monday 6 February	9.00 am 10.30 am To follow	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel [pre meeting tbc]
Monday 20 February	11.00 am 12.30 pm	Authority [budget and precept setting] [political groups at 10 am] Scrutiny Committee
Monday 20 March	9.00 am 10.00 am 10.30 am 12.30 pm 12.30 pm	Chair's agenda meeting Executive Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 10 April	11.00 am To follow	Authority [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 5 June	10.00 am 10.30 am 12.30 pm 12.30 pm	Executive Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 12 June	10.00 am	Agenda Meeting
NEW MUNICIPAL YEAR Monday 26 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]

The Standards, Appointments and Appeals Committees will meet as and when required.

West Midlands Fire and Rescue Authority

Members' Allowances Scheme

The West Midlands Fire and Rescue Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:–

1. This scheme may be cited as the West Midlands Fire and Rescue Authority Members' Allowances Scheme and shall have effect for the period from 23 June 2008 until 31 March 2009 and in subsequent years from 1 April to 31 March.

2. In this scheme:–

‘Councillor’ means a member of the West Midlands Fire and Rescue Authority who is appointed by the City Councils of Birmingham, Coventry and Wolverhampton and the Metropolitan Borough Councils of Dudley, Sandwell, Solihull and Walsall;

‘Independent Member’ means a person who is not a member of the Authority but who is a member of a Committee or Sub-Committee of the Authority.

‘Year’ means the 12 months ending with 31st March.

3. **Basic Allowance and Co-optee's Allowance**

Subject to paragraph 6, for each year:-

- (i) a basic allowance of £3,500.00 shall be paid to each Councillor;
- (ii) a co-optee's allowance of £350 shall be paid to each independent member on the Audit Committee.

4. **Special Responsibility Allowances**

- (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme;

- (ii) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule;
- (iii) Where a Councillor holds more than one position for which a Special Responsibility Allowance is payable, only one such allowance shall be paid to the Councillor concerned.

5. **Dependants' Carers Allowance**

- 5.1 A Dependants' Carers Allowance is payable to those elected members and independent members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 3 of this Scheme.
- 5.2 The amount of the dependants' carers allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

6. **Renunciation**

A Councillor or an independent member may, by notice in writing given to the Clerk, elect to forego any part of his/her entitlement to an allowance under this scheme.

7. **Part Year Entitlement**

Basic Allowance and Co-optee's Allowance

Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a member subsists bears to the number of days in that year.

Special Responsibility Allowance

Where a member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance, his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

Backdating

Where an amendment to this scheme is made which affects an allowance payable for the year in which the amendment is made, the entitlement of a member to such allowance, as amended, may at the discretion of the Authority, be backdated to apply with effect from the beginning of the year in which the amendment is made.

8. **Subsistence Allowances**

Members of the Authority and independent members may claim subsistence allowances in connection with or relating to the duties set out in Schedule 2 to this scheme.

Lead members [as identified in Schedule 1] may claim subsistence allowance for attendance at meetings and events in pursuance of their official duties outside of the West Midlands but within the UK.

Members shall only claim allowances for actual expenditure reasonably incurred in connection with approved duties.

Members must submit receipts to substantiate all claims for subsistence allowances.

For approved duties the following rates apply:-

- (i) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 am) £4.92
- (ii) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00 pm) £6.77
- (iii) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm) £2.67
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence ending after 7.00 pm) £8.38

The rates set out above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Authority.

Members who undertake duties involving an overnight stay should, wherever possible, ensure that their accommodation is pre-booked by officers in accordance with the Authority's normal administrative arrangements. If members book their own accommodation, this is subject to a maximum level of reimbursement as specified below:-

Allowance for absence overnight from the usual place of residence
£79.82 per night

Allowance for such absence in London
£91.04 per night

9. **Travelling Allowances**

Elected members of the Authority may claim travel allowances only in respect of 'approved duties' [as set out in Schedule 2 to this scheme] which involve travel outside the West Midlands but within the UK. Members holding a special responsibility allowance may claim travel allowance for attendance at meetings and events in pursuance of their official duties outside the West Midlands but within the UK.

Independent persons may claim travelling allowances in respect of costs incurred in connection with or relating to the duties set out in Schedule 2 to this scheme.

Motor Mileage Allowances

The rates for motor cars are as follows:-

Not exceeding 999cc – 34.6 pence per mile
1000 - 1199cc – 39.5 pence per mile
Over 1199cc – 45 pence per mile

After 10,000 business mile the rate becomes 25 pence per mile

Passenger Supplement - for passengers (not exceeding 4), a supplement of 5.0 pence per mile is payable

Claims for journeys undertaken by motor car may include any reasonable car parking fees and congestion charges if applicable.

Public Transport

The actual cost of public transport used by members will be reimbursed by the Authority where such costs are reasonably and necessarily incurred in connection with approved duties. Receipts will

be required to substantiate such claims based on the actual expenditure incurred.

Members who travel outside the West Midlands in connection with approved duties by rail, ship or air shall be required to have their travel arrangements pre-booked by officers under the Authority's normal administrative arrangements. The Clerk, in consultation with the Chair of the Authority, may authorise exceptions to this in cases where it is considered beneficial to the Authority for members to make their own transport arrangements. As a general rule, for members travelling by rail, standard class tickets should be purchased. Receipts will be required to substantiate any such claims based on the actual expenditure incurred.

Taxis

Taxi fares (plus a reasonable gratuity) will be reimbursed only if the taxi was used in a case of urgency, or if there was no public transport reasonably available, or if taxi use was justified by the nature of the business on which the member was engaged.

10. **Indexation of Allowances**

The rates of allowances will be increased with effect from 1 April 2009, 2010, 2011 in line with the agreed pay awards to NJC Local Government Services.

11. **Claims and Payments**

- (i) All claims for travelling and subsistence allowances under this scheme shall be made within **three months** of the date of the approved duty in respect of which the entitlement to the allowance arises. Payment of late claims may only be made if the Clerk, in consultation with the Chair of the Authority, is satisfied that the lateness of the claim is justified.
- (ii) Any claims for travelling and subsistence allowances shall be signed by the Councillor claiming the allowance and shall include a statement that where the member is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.
- (iii) In certain cases, where overpayments have been made to any individual to which this scheme relates, the Authority may require repayment of the overpayment.

- (iv) In regard to the payment of basic and special responsibility allowances, payments shall be made as follows:–

(a) **Basic Allowance**

In instalments of one-twelfth of annual amount due, payable on the 25th day of the month (or nearest working day);

(b) **Special Responsibility Allowance**

In instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month (or nearest working day) (except where specified otherwise in Schedule 1)

Schedule 1**WEST MIDLANDS FIRE AND RESCUE AUTHORITY****Schedule of Special Responsibility Allowances 2014/2015**

Responsibility	SRA (£)
Chair	24,500
Vice-Chair	12,250
Leader of Principal Opposition Group	7,350
Executive Committee Member	4,900
Scrutiny Committee Chair	8,575
Scrutiny Committee Vice-Chair	6,575
Scrutiny Committee Member	4,900
Joint Consultative Panel Chair	8,575
Joint Consultative Panel Vice-Chair	3,975
Appeals Committee Chair	4,900
Appeals Committee Vice-Chair	2,450
Audit Committee Chair	8,575
Audit Committee Vice-Chair	3,975
Standards Committee Chair	4,900
Elected Member Basic Allowance	3,500

Co-optee's allowances	
Independent Member of the Audit Committee	350

Approved Duties

The following are “approved duties” in connection with the payment of travelling and subsistence allowances:

- 1) A meeting of the Authority or of any Committee or Sub-Committee of the Authority.
- 2) A meeting of any other body to which the Authority or any Committee or Sub-Committee of the Authority makes appointments, or nominations, or any Committee or Sub-Committee of such a body.
- 3) Any other meeting, the holding of which is authorised in advance by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee of the Authority or one or more other Committees or a Sub-Committee of such a joint Committee provided that members of at least two political groups have been invited to attend.
- 4) A meeting of any association of authorities of which the Authority is a member.
- 5) Attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit or at any other meeting authorised by the Authority.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2016/2017

Report of the Clerk and Monitoring Officer.

RECOMMENDED:

1.1 THAT the Authority approve:-

- (a) the political balance and membership of committees and panels for 2016/2017;
- (b) whether or not the current independent member of the Audit Committee should be appointed to serve on any of the committees and panels of the Authority and whether he should be treated as a voting or non-voting Member;
- (c) the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels;
- (d) the appointment of Mr Frederick Bell to the role of Independent Person appointed in pursuance of Section 28 of the Localism Act 2011, for the term of office expiring 30 June 2016. Mr Bell has agreed to continue in this role until 30 June 2017.

2. PURPOSE OF REPORT

To approve the political balance and membership of committees and panels for 2016/2017.

BACKGROUND

3.1 Political Balance on Committees

The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups.

It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided. Regulations provide for a political group to comprise 2 or more members.

Based on the information available to me, the current political balance of the Authority is:-

Conservative	8
Labour	17
Liberal Democrat	1
UKIP	1

The attached appendix sets out a template showing the political balance on committees for 2016/17.

4. Committee Structure, Constitution and Political Balance

4.1 The Authority is required to decide the constitution of its committees for 2016/17 and then decide the political balance on each committee using the following formula:-

- (a) Decide the total number of seats on the ordinary committees (disregarding any co-opted members/advisors);
- (b) Decide the number of members for each minority political group;
- (c) Decide the proportion of the membership of those groups to the membership of the Authority as a whole;
- (d) Apply the proportions to the number of seats in (a).

4.2 For the purpose of this exercise, the Joint Consultative Panel and the Policy Planning Forum are not included as the proportionality requirements do not apply to these bodies.

- 4.3 The number of committee seats in 2016/17 is 45. The proposed allocation of seats to political parties based on this number of seats is set out in the Appendix to this report, which is recommended for approval. The Authority is also asked to make appointments of members and co-opted members to serve on the committees and advisory bodies referred to in the Appendix. More information to assist members is provided below.

5. **Joint Consultative Panel**

- 5.1 The Joint Consultative Panel (JCP) comprises employees of the Authority and is therefore not regarded as an ordinary committee for the purposes of Section 15 of the Local Government Act 1989 and the rules regarding proportionality do not apply.

The Authority at its meeting on 13 February 2012, approved a revised constitution for the Joint Consultative Panel which provides that the Panel will comprise elected members of the West Midlands Fire and Rescue Authority [with voting rights] and recognised elected officials of the Trade Unions/Representative Bodies [without voting rights] as follows:

6 employers side and

5 employee side*

2 Fire Brigades' Union

1 Fire Officers' Association

1 UNISON

1 Association of Principal Fire Officers

* subject to having a locally appointed/elected representative.

6. **Standards Committee**

- 6.1 The Localism Act 2011 brought in changes to the framework of regulation of standards of conduct for elected and co-opted members and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The relevant provisions of the legislation came into force on 1 July 2012.
- 6.2 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code.

- 6.3 The Localism Act 2011 provides that an authority shall appoint one or more Independent Persons who must be consulted before any decision is taken on a complaint which has been investigated. The Authority decided that the independent person/s appointed by Sandwell Council in pursuance of Section 28 of the Localism Act 2011 would be used by this Authority in relation to alleged breaches of the Code of Conduct. In view of the Authority's low level of complaints activity, it is suggested that the appointment of one independent person will be sufficient. The appointment of the independent person/s must be approved by a positive vote of a majority of all members of the Authority [not just of those present and voting]. Mr. Bell has agreed to continue his role for a further twelve months until the 30 June 2017. We will review this at the 2017 AGM.
- 6.4 It is proposed that the Standards Committee in 2016/17 will comprise 6 elected members. It has been the practice to invite the independent person/s to attend as observers.

7. **Audit Committee**

- 7.1 The Authority established an Audit Committee in September 2007. Its remit was expanded in 2010/11 to take on performance management functions.
- 7.2 Mr M Ager has served as an independent Member of the Audit Committee since 2007. Last year the West Midlands Fire and Rescue Authority appointed Mr Ager for a further three year term of office expiring with the Annual Meeting of the Authority in June 2016. Mr Ager has agreed to continue in this role until 30 June 2017. We will review this at the 2017 AGM.

8. **EQUALITY IMPACT ASSESSMENT**

- 8.1 Equality and diversity issues are properly considered in the mainstream decision-making processes of the Authority and this will be reinforced by the introduction of the Scrutiny Committee which has equality and diversity matters in its terms of reference.
- 8.2 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

9. **LEGAL IMPLICATIONS**

- 9.1 The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups. It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided.
- 9.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

10. **FINANCIAL IMPLICATIONS**

- 10.1 Provision is made in the Authority's budget for the payment of Members' allowances.

Karen Gowreesunker
Clerk to the Authority

Melanie Dudley
Monitoring Officer

Source Documents

None

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

West Midlands Fire and Rescue Authority**Political Balance of Committees for 2016/2017**

Note: Proportionality applies to the Committees shown above the line.
Those below are exempt.

Committee

	Cons	Lab	Lib Dem	UKIP	Total
Appointments	3	6			9
Appeals	2	3	1		6
Audit	2	4			6*
Executive	3	7			10
Scrutiny	3	5			8
Standards	2	4			6
Total	15	29	1		45

Policy Planning Forum	8	17	1	1	27
Joint Consultative Panel	2	4			6

* + one independent member

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OTHER BODIES

Report of the Clerk

1. RECOMMENDED

THAT the Authority nominates representatives to serve on the bodies set out in the attached Appendix for the one year term of office expiring with the Annual Meeting of the Authority in June 2017.

2. PURPOSE

The purpose of the report is to request the Authority to appoint representatives to serve on other bodies during 2016/2017.

3. REPORT DETAILS

- 3.1. The Authority is requested to appoint representatives to serve on other bodies as indicated in the attached schedule.

4. EQUALITY IMPACT ASSESSMENT

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. LEGAL IMPLICATIONS

- 5.1 The Local Government and Housing Act 1989 provides that the principles of proportionality apply where the Authority makes more than three appointments to bodies specified in the Act. An indication is given in the appendix where proportionality applies.

6. **FINANCIAL IMPLICATIONS**

Provision has been made in the Authority's budget to meet any costs involved relating to Members' allowances.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

**KAREN GOWREESUNKER
CLERK**

West Midlands Fire and Rescue Authority

Appointments to Other Bodies 2016/17

Organisation	Representative/s 2016/17	Notes
Local Government Association General Assembly* (4 representatives)	Chair and Vice-Chair (Councillors Edwards and Idrees) and Councillors Davis and Eustace (or their nominees) The Chair was authorised to exercise the Authority's Corporate Vote at the Local Government Association General Assembly. The Authority is entitled to 18 General Assembly votes which are allocated on the basis of proportionality of the General Assembly.	Proportionality applies. The Association encourages Authorities entitled to three or four representatives on the General Assembly to allocate one of those positions to Minority Group Leaders on their Authorities.
Local Government Association - Fire Service Commission (3 representatives)	Chair (Councillor Edwards) and Councillors Davis and Idrees (or their nominees)	Proportionality applies. Formerly the Fire Services Forum.

Organisation	Representative/s 2016/17	Notes
Local Government Association Urban Commission (2 representatives)	Councillor Tranter and the Chief Fire Officer (or their nominees)	Only elected members may vote at meetings. Authorities may appoint two elected members or one member and one officer
Black Country Consortium – Observer Member	Councillor Tranter (or his nominee)	It is recommended that the appointed Member should be from one of the four Black Country boroughs.
West Midlands Road Safety Partnership	Councillor Clinton	
Association of Metropolitan Fire and Rescue Authorities	Chair and Vice-Chair of the Authority (Councillors Edwards and Idrees)	
Fire Control Project Governance Board [joint board with Stoke on Trent and Staffordshire Fire and Rescue Authority]	Chair and Vice Chair of the Authority (Councillors Edwards and Idrees) and Councillors Davis and Tranter	

Organisation	Representative/s 2016/17	Notes
West Midlands Fire Service Business Safety Limited (Dormant)	Chief Fire Officer, the Chair of the Authority (Councillor Edwards) and Vice-Chair of the Authority (Councillor Idrees), Councillors Davis and Eustace	Personal appointment which terminates with the appointment of a new member.

27 JUNE 2016

1. **MEMBER ATTENDANCE AT CONFERENCES, SEMINARS AND VISITS**

Report of the Clerk.

RECOMMENDED

THAT the events for 2016/17 set out in the attached Appendix be approved for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

2. **PURPOSE OF REPORT**

To seek approval for attendance of members at conferences and seminars for 2016/17.

3. **BACKGROUND**

- 3.1 The schedule of Approved Duties within the Members' Allowances Scheme allows for 'attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit at any other meeting authorised by the Authority.' A schedule of conferences, seminars and visits for the forthcoming year is submitted annually to the Authority for approval. The attached appendix provides for attendance by nominated members at two conferences and also makes provision for the approval of attendance by members at other ad hoc events, subject to the necessary budgetary provision being available.

4. **EQUALITY AND DIVERSITY IMPLICATIONS**

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

5. **LEGAL AND STATUTORY IMPLICATIONS**

- 5.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Authority is required to make and publish a scheme setting out provisions for the payment of allowances to Members of the Authority.
- 5.2 Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003 states that such a scheme may provide for the payment of allowances in respect of travelling and subsistence undertaken in connection with or relating to such duties specified within the scheme (the scheme of approved duties).

6. **FINANCIAL IMPLICATIONS**

Provision is included in the Authority's budget for costs associated with attendance at conferences and seminars and for members' travel and subsistence costs.

BACKGROUND PAPERS

Members' Allowances Scheme.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

KAREN GOWREESUNKER
CLERK

Appendix

Events proposed for approval by the Authority for 2016/2017 for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

Event	Attendance By	Financial Implications
Local Government Association Annual Fire Conference	Chair and Vice-Chair (or their nominees) and the Leader of the main Opposition Group	Conference fees and travel and subsistence
Local Government Association Annual Conference	Chair and Vice-Chair (or their nominees)	Conference fees and travel and subsistence
Asian Fire Services Association Conference	Chair and Chair and Vice-Chair of the Scrutiny Committee	Travel and subsistence
Fire Service Briefing Meetings arranged by the Home Office	Chair and Vice-Chair (or their nominee) OR all members of the Authority (as appropriate)	Travel and subsistence
Visits to the Houses of Parliament to meet West Midlands MPs and members	All Members	Travel and subsistence
Member training events/seminars organised by the Authority or approved by the Chair and Vice-Chair	All Members	Travel and subsistence
Monitoring visits to fire stations (up to two per quarter)	All Members	

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

1. GOVERNANCE STATEMENT 2015/2016

Joint report of the Chief Fire Officer, Treasurer and Monitoring Officer.

RECOMMENDED

THAT the Authority considers and comments on the Governance Statement for 2015/2016.

2. PURPOSE OF REPORT

This report is submitted to Members to seek comments and consideration of the Governance Statement for 2015/2016.

3. BACKGROUND

- 3.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 3.2 In discharging this overall responsibility, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs, which includes arrangements for the management of risk.
- 3.3 Every Local Authority has to produce a Governance Statement (see attached Appendix 1) with its Statement of Accounts, which are due to be made available at the end of June 2016.
- 3.4 The Governance Statement is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to

achieve policies, aims and objectives; it can, therefore, only provide reasonable and not absolute assurance of effectiveness.

The Governance Statement is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

- 3.5 The Statement is signed by the Chairman of the Authority and the Chief Fire Officer who have a responsibility to ensure that the document is supported by reliable evidence and accurately reflects the Authority's internal control environment. The Governance Statement has operated throughout the year ended 31st March 2016 and up to the date of the approval of the annual report and accounts.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

The Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. As part of this it has to produce a Governance Statement.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

The contact name for this report is Deputy Chief Fire Officer Philip Hales, Telephone No: 0121 380 6907.

PHIL LOACH

MIKE GRIFFITHS MELANIE DUDLEY

Ref. AU/AU/Jun/21705167/KS/GVH

CHIEF FIRE OFFICER

TREASURER

MONITORING OFFICER

ANNUAL GOVERNANCE STATEMENT

1. Scope of Responsibility

- 1.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is safeguarded and properly accounted for. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this duty, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs which facilitates the effective exercise of the Authority's functions and which includes arrangements for the management of risk.
- 1.3 The Authority has complied with the code of corporate governance which is consistent with the principles of the CIPFA/SOLACE Framework – Delivering Good Governance in Local Government and has also complied with the requirements of CIPFA's statement on the role of the Chief Financial Officer in Local Government. This Annual Governance Statement explains how the Authority has complied with the code and also meets the requirements of Accounts and Audit (England) Regulations 2011, regulation 4 (3) which require the Authority to prepare an Annual Governance Statement.

2. The Purpose of the Governance Framework

- 2.1 The governance framework comprises the systems and processes, culture and values by which the Authority is directed and controlled and its activities through which it accounts to and engages with the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, value for money services.
- 2.2 The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can, therefore, only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised and the impact should they be realised and to manage them efficiently, effectively and economically.
- 2.3 The governance framework has been in place for the year ended 31st March 2016 and up to the date of the approval of the annual report and statement of accounts.

3. The Governance Framework

The key elements of the systems and processes that comprise the Authority's governance arrangements include the following:-

- 3.1 The Authority has produced a Corporate Strategy setting out its objectives and there is regular performance monitoring in which achievement of the Authority's objectives is measured and monitored.
- 3.2 The Authority has established clear channels of communication with the community and stakeholders regarding the production of the Annual Report and consultation on the key priorities of the Service. This also encourages open communication.
- 3.3 The Authority facilitates policy and decision-making via regular Policy Planning Forums and Authority and Executive Committee meetings. An Audit Committee provides independent assurance to the Authority on risk management and internal control and the effectiveness of the arrangements the Authority has for these matters. The constitution of the Committees including the terms of reference is reviewed annually and available on the Internet.
- 3.4 The Authority ensures compliance with established strategies, procedures, laws and regulations – including risk management. The Authority also maintains and reviews regularly its code of conduct and whistle blowing policy. There is a comprehensive induction programme in place and information regarding strategies and procedures are held on the intranet, which continues to be developed. The Authority has a strong Internal Audit function and established protocols for working with External Audit.
- 3.5 West Midlands Fire and Rescue Authority will continue to enhance and strengthen its internal control environment through the review of current policies and procedures.
- 3.6 The Authority has corporate risk management arrangements in place which are supported by an approved Risk Management Strategy enabling Managers and other senior officers to identify, assess and prioritise risks within their own work areas which impact on the ability of the Authority and its services to meet objectives. To consider the effectiveness of the Authority's risk management arrangements is a specific term of reference for the Audit Committee and risk management is a specific responsibility of both the Chairman and Vice Chairman.
- 3.7 The Authority's Corporate Risk Register identifies the principal risks to the achievement of the Authority's objectives and assesses the nature and extent of those risks (through assessment of likelihood and impact). The Register identifies risk owners whose responsibility includes the identification of controls and actions to manage them efficiently, effectively and economically.

- 3.8 The Authority ensures the economical, effective and efficient use of resources, and secures continuous improvement in the way in which its functions are exercised, by having regard to a combination of economy, efficiency and effectiveness as required by the Best Value duty. The Authority plans its spending on an established planning cycle for policy development, budget setting and performance management through the business planning process. This ensures that resources are aligned to priorities and secures best value from the resources that are available.
- 3.9 The Chief Financial Officer is a key member of the leadership team, helping to develop and implement the Authority's strategy. The Authority's financial system is an ORACLE based general ledger and management information system, which integrates the general ledger function with those of budgetary control and payments. Financial Regulations and Contract Procedure Rules are approved and regularly reviewed by the Authority. A rigorous system of monthly financial monitoring ensures that any significant budget variances are identified in a timely way, and corrective action initiated.
- 3.10 The Authority's performance management and reporting of performance management continues to be improved with a more focused Corporate Strategy, the setting of priorities and is supported by regular performance monitoring. Corporate performance is reported on a quarterly basis and this process provides officers and Members with the opportunity to share knowledge and understanding about key performance issues affecting services.
- 3.11 The Authority has a Standards Committee which promotes high ethical standards amongst Members and has one independent member. This Committee leads on developing policies and procedures to accompany the revised Code of Conduct for Members and is responsible for local assessment and review of complaints about members' conduct. The Authority also has a Scrutiny Committee which undertakes performance management functions and informs policy development.
- 3.12 The Fire and Rescue National Framework for England sets out a requirement for Fire and Rescue Authorities to publish 'Statements of Assurance'. Specifically, Fire and Rescue Authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. The Authority has approved the Statement of Assurance which is available on the Service's website.

4. Review of Effectiveness

4.1 The Authority has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the statutory officers and principal managers of the Authority who have responsibility for the development and maintenance of the governance environment, the internal audit annual report and comments made by the external auditors in their annual audit letter and other reports.

4.2 Department and section unit business plans contain a variety of performance indicators and targets that are regularly reviewed.

4.3 The Authority's political governance arrangements, which are appropriately reviewed by officers, set out the responsibilities of both Members and senior managers. In particular the Authority has identified the following statutory post holders:-

- Chief Fire Officer
- Treasurer
- Monitoring Officer

In addition to the statutory posts, the post of Clerk to the Authority has been maintained.

4.4 The arrangements for the provision of internal audit are contained within the Authority's Financial Regulations. The Treasurer is responsible for ensuring that there is an adequate and effective system of internal audit of the Authority's accounting and other systems of internal control as required by the Accounts and Audit Regulations 2003 as amended in 2006. The internal audit provision operates in accordance with the CIPFA Code of Practice for Internal Audit in Local Government 2006. The Authority's Audit Plan is prioritised by a combination of the key internal controls, assessment and review on the basis of risk and the Authority's corporate governance arrangements, including risk management. The work is further supplemented by reviews around the main financial systems, scheduled visits to Authority establishments and fraud investigations. Internal Audit leads on promoting a counter-fraud culture within the Authority.

4.5 The resulting Audit Plan is discussed and agreed with officers of the Strategic Enabling Team and the Audit Committee and shared with the Authority's external auditor. Meetings between the internal and external auditor ensure that duplication of effort is avoided. All Authority Audit reports include an assessment of the adequacy of internal control and prioritised action plans to address any areas needing improvement.

4.6 The Authority's review of the effectiveness of the system of internal control is informed by:-

- The work undertaken by Internal Audit during the year;
- The work undertaken by the external auditor reported in their annual audit;
- Other work undertaken by independent inspection bodies.

4.7 From the work undertaken by Internal Audit in 2015/2016 the Internal Audit has given a 'reasonable assurance' that the Authority has adequate and effective governance, risk management and internal control processes. This represents an unqualified opinion and the highest level of assurance available to Audit Services. In giving this opinion it is recognised that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes.

4.8 The Authority is able to confirm that its financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).

4.9 We have been advised on the implications of the result of the review of effectiveness of the governance framework by the sources noted above and that the arrangements continue to be regarded as fit for purpose in accordance with the Authority's governance framework. The areas to be specifically addressed are outlined in 5.5.

5. Significant governance arrangements within the Authority

5.1 West Midlands Fire & Rescue Authority has a legal duty to provide an efficient, safe and effective fire and rescue service. The key priorities are:-

- Prevention – Safer and healthier communities
- Protection – stronger business communities
- Response – dealing effectively with emergencies

5.2 These form the basis of the Authority's Corporate Strategy known as The Plan 2016-2019 which sets out the outcomes and priorities based on the Community Safety Strategy. The five-minute attendance standard lies at the heart of the Service Delivery Model. The model shows how staff provide the core prevention, protection and response services to make the West Midlands safer, stronger and healthier.

5.3 Grant Thornton, the Authority's External Auditors, published the Audit Findings Report for its 2014/2015 audit work which reported an unqualified opinion on the financial statements. It also issued an unqualified value for money conclusion stating that the Authority had adequate arrangements to secure economy, efficiency and effectiveness in the use of resources.

5.4 Based on audit work undertaken during the year an Annual Internal Audit Report was presented to the Audit Committee on 6 June 2016, Audit work which was completed in 2015/2016 included:-

- Pensions Certification
- Budgetary Control
- Procurement
- Accounts Receivable
- Fixed Asset Accounting/Asset Planning
- Accounts Payable
- Risk Management
- Governance
- Performance Management
- Workforce Planning
- Business Continuity
- IT
- Payroll

5.5 As a result of these audits the following issues were identified:-

- Governance – Members of the Audit Committee will be required to revisit their self assessment of 'good practice and effectiveness' exercise early in the new year.
- Business Continuity – the need to evidence the completion of the annual business assessment for each business continuity plan and to record when incident training has been undertaken.

5.6 All issues highlighted in the Annual Internal Audit Report have been raised with relevant managers and actions have been taken to achieve improvements.

5.7 In February 2016, the Minister for Local Government confirmed the Authority's funding settlement for 2016/17. The core funding reduction of £3.3m in 2016/2017 has been managed by reviews to services and an increase in Council Tax. In addition to the settlement for 2016/17, an offer was made for a multi-year funding settlement. Any Authority wishing to take up the four year funding settlement to 2019/20 would be required to set out their proposals in an efficiency plan. At this stage the offer of a provisional four year settlement by DCLG is considered to be a reasonable basis to formulate medium term financial planning.

5.8 With the trend of cuts to government funding continuing into future years, the Authority faces considerable financial pressures which could result in difficulties to deliver an efficient and effective service, which in turn would increase the risk to the communities of the West Midlands. A key aim for the Authority is to therefore deliver a more efficient and effective service to the community whilst ensuring the stability of the Authority's financial position remains.

6. Certification

- 6.1 To the best of our knowledge, the governance arrangements, as outlined above have been effectively operating during the year with the exception of those areas identified as requiring improvement. We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified during the review of effectiveness and will monitor their implementation and operation as part of our annual review.

John Edwards
Chairman

Phil Loach
Chief Fire Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

Item 14

1. FUTURE GOVERNANCE OF WEST MIDLANDS FIRE SERVICE.

Report of the CLERK TO THE AUTHORITY.

RECOMMENDED

THAT Members approve the strategy proposed in this paper concerning reform of the West Midlands Fire and Rescue Authority (the Authority).

THAT Members approve the implementation of a 'Future Governance' working group.

THAT Members approve the outcomes, purpose, approach and timeline for the 'Future Governance' working group as set out in this paper.

2. PURPOSE OF REPORT

2.1 This report is submitted to signal The Authority's intent to review the governance arrangements for West Midlands Fire Service (the Service). This review will be undertaken considering the options that currently exist around future governance: a Fire Authority or reduced Fire Authority, Police and Crime Commissioner (PCC), a possible future Mayoral model, including potential combination of Fire. This review will support Home Office expectations regarding accountability.

2.2 The review will focus on the need for improved scrutiny in governance arrangements, as well as measuring the outcome of current and future service delivery to the communities of the West Midlands and beyond.

3. BACKGROUND

3.1 WMFSs Approach to Service Transformation

3.1.1 The Authority fully supports service wide transformation and has agreed plans prior to the introduction of the

Comprehensive Spending Review (CSR) in 2011, to achieve significant reductions in central government grant (core) funding of approximately £28 million from 2011/12 to 2015/16.

- 3.1.2 Ongoing transformation over the past 6 years has impacted on both service support and service delivery functions. The Service has met the required reductions in core funding, through exploring and implementing more challenging and innovative approaches to the delivery of internal and external community facing services. In doing this and whilst the Service has had to make decisions that have increased risk in some areas of response, prevention and protection, these have been assessed through an evidence based approach, using Integrated Risk Management Plan (IRMP) analysis to minimise the impact on service to the community
- 3.1.3 This period of CSR (which is set to continue to at least 2020) has provided opportunity to build on an already efficient and effective model, through seeking to transform our services in areas that could bring enhanced benefit to the community, both locally and nationally.
- 3.1.4 Service transformation in this way underpins the Services' priorities and outcomes as set out in our 3 year rolling Corporate Strategy, The Plan.
- 3.1.5 Critical to the delivery of The Plan is the Service Delivery Model (SDM). The SDM is the foundation of all planning and analysis and provides the level of resources needed to be able to respond to high risk (life and property) incidents within a risk based 5 minute attendance standard. This attendance standard enables the Service to reduce risk to firefighting and increase the survivability of the victim, as well as reducing the impact of fire on the local community and economy.
- 3.1.6 The SDM is the lynch pin to supporting an integrated approach to the delivery of our prevention, protection and response services. This is our commitment to the communities of the West Midlands in response to our IRMP and aligned to our Plan. Amidst the challenges that CSR presents to the Service, the SDM cannot be compromised.

3.2 **Delivering Service Transformation**

- 3.2.1 Since the beginning of CSR the Service has worked alongside staff, representative bodies, partners and communities to implement changes which have delivered public service transformation. Through innovation and reform new concepts and ways of working have been introduced, which have led to efficiencies and as importantly, to the maintenance and improvement of services to our communities especially the most vulnerable. Real reform brings both challenges and opportunities; the changes we have implemented have challenged thinking and been achieved through robust planning and implementation.
- 3.2.2 Service Support functions undergo rigorous review in terms of improved efficiency and effectiveness and we continually explore opportunities for collaborative working with other partners. Since January 2011, we have reduced the number of non-uniformed staff by 26% (514 to 380 staff).
- 3.2.3 Outcomes have been achieved from implementing a management review and a further review of the corporate team during 2012-14. This has enabled the Service to downsize and reorganise its management structure, whilst creating a much leaner and more accountable approach to leadership. As a result of this the Service has realised savings of approximately £1.5 million per year.
- 3.2.4 To effect a change to custom and practice can be very difficult from a cultural perspective. Resistance to change from staff if they are not well engaged, can result in failure and even when engaged there is a great deal of uncertainty. The Service has sought engagement at all opportunities and has gone further in this, in enabling staff to generate ideas for change and then design and implement these.
- 3.2.5 Across service delivery the Service has reduced front line, firefighting staff by 18% (1552 to 1279) since 2011 and predict this will reduce by a further 7% (25% in total and 1168 staff) by May 2017. The SDM and delivery of a 5 minute attendance standard, relies on a front line resource of 1322 firefighters. This reduction in resources, driven by the need to meet reducing budgets, presents a risk to the delivery of services to the community.

3.2.6 These changes have challenged the Service to explore innovative approaches to the flexible deployment of front line resources, examples of which are set out below. These have come with additional risks in relation to the impact on services to communities, partner relationships and employee engagement. The Service has managed, controlled, mitigated and where possible removed these risks through effective and robust planning, change management, leadership and communications.

- a) The introduction of only staffing our specialist vehicles when they are needed through a dual staffing approach. By being able to vary fire fighter and fire appliance availability in this way, savings of approximately £4 million per annum and a reduction in 96 operational posts have been achieved.
- b) We have worked to introduce a blended fleet with a range of vehicles being crewed by 1,2,3,4 or 5 people, enabling our response to emergency incidents, prevention and protection activities and commissioned services, to be appropriate and in line with our IRMP and risk. However there is the potential that with a blended fleet for a short time, if attending an incident the first resource in attendance may not have the right number of people or equipment to act assertively. This risk is managed by ensuring all our staff have the right knowledge and understanding of resource capabilities, that vehicles are placed in the optimum location according to risk and the right resources are deployed when an incident occurs.

- c) The introduction of a new staffing model has enabled us to implement more efficient staffing arrangements, enable balanced leave across the year and maintain our fleet availability at the optimum level at all times within an environment of reducing budgets. Fleet availability supports our risk based 5 minute response time, maximises survivability, minimises the cost of fire and the burden on business.
- 3.2.7 Through using our IRMP the Service has been able to consider potential risk and how a change in resource, aligned to our SDM will impact on the delivery of services to our communities and particularly to those most at risk. Adapting using a scalable model when considering the allocation of resources (i.e. dual staffing) has meant the Service has been able to meet funding challenges, whilst essentially maintaining the SDM.
- 3.2.8 Risks can be either immediate or longer term in nature. As highlighted above our decisions are evidence based and under regular review. However it is difficult to fully understand the impact funding cuts will have on the delivery of services and local communities in the longer term, as some of these outcomes are yet to be realised.
- 3.2.9 As we look forward over the next four years the Authority is set to receive further cuts to core funding of approximately £10 million. This means by 2019/20 core funding will have reduced by approximately £38 million since the cuts began in 2011/12. This is an unprecedented reduction, taking total cuts in core funding to circa 50% in this nine year period.

3.3 Delivering Services Differently

- 3.3.1 As the CSR entered its fourth year and it became clear that funding cuts would continue. The Service needed to explore different approaches to addressing these. There needed to be a focus on growing and improving the services delivered to communities, but also provide a funding stream to support the delivery of these and the maintenance of the SDM.

- 3.3.2 The Service had already begun to integrate the findings of the Marmot Review and the six Marmot policy objectives, as a baseline for delivering all community services. This created an opening in understanding that prevention services could serve to meet the wider priorities of other NHS and Local Authority organisations, with the outcome of protecting the most vulnerable communities and individuals.
- 3.3.3 Over the past 18 months the Service has developed a 'commissioned' approach to delivering wider prevention based services. This approach has seen the implementation of two Falls Response services, across Coventry and Wolverhampton and a trial currently operating in responding to Hospital Discharges. Extending our prevention based services to support the wider priorities of the 7 West Midlands Local Authorities and the NHS, not only provides the Service with flexible and sustainable income opportunities to support the maintenance and improvement of the SDM; but also supports our priorities in: Making the West Midlands Safer, Stronger and Healthier.
- 3.3.4 Our approach to commissioning continues to be explored in many areas alongside the development of local NHS Sustainable Transformational Plans. Through understanding the needs of our colleagues within the NHS and providing support through innovative, cost effective and technologically enabled work; we can provide support systems to the most vulnerable members of the community enabling them to be more independent within their own homes. We continue to grow our income generation opportunities through selling services such as ICT and Fire Engineering, through primary authority schemes and seek opportunities to increase our social value to the community.
- 3.3.5 We aim to generate £2 million in income from commissioned services and flexible funding opportunities, over this 3 year rolling period.
- 3.3.6 Collaboration across a range of partners is critical to the services delivered both nationally and to local communities. The Service benefits from positive collaborative relationships with a number of emergency and public sector services. Some examples include:

- Joint **Emergency Services Interoperability Programme (JESIP)**.
- West Midlands Police (WMP) – Fire Investigation.
- Emergency Services Mobile Communication Programme.
- Co-locating with West Midlands Ambulance Service.
- Sharing of estates with Birmingham and Coventry City Councils.
- Joint Fire Control with Staffordshire Fire and Rescue Service. This particular area of collaboration has resulted in £1.5 million joint savings per year with a joint saving of £11.6 million projected to 2020. This provides a good example of where local solutions have been delivered to create a more efficient and effective approach to front line service delivery.

3.3.7 The Service is committed to collaboration which extends wider across the emergency services and other agencies (such as the NHS and the third sector). This will enable the achievement of better joint outcomes aligned to our Plan, designed to provide more impact socially for our local communities in a more efficient and effective way.

3.4 **Improving Performance**

- 3.4.1 Despite these challenges we continue to focus our commitment on our communities and seek to continually improve. An outcome of these efforts can be seen in a progressive improvement in performance of our Category 1 (5 minute) attendance standard. During 2015/2016 achievement of this attendance standard performed positively throughout the year, with a median attendance of 4 minutes 47 seconds in the last two quarters of the year. This is the best performance seen in several years.
- 3.4.2 As highlighted earlier in this report placing the SDM at the heart of service transformation has ensured that this level of performance is achievable in a leaner organisation. The examples provided in paragraphs 3.2.6 a to c, demonstrate how the Service has been able and continues to positively implement real reform, aligned to our 3 year rolling Plan. This has been achieved in a way which ensures the delivery of

services to local communities, whilst enhancing essential service delivery performance and attendance standards.

3.4.3 The Service continually seeks to consider and explore other models to the delivery of both front line and back office services, as legislation and external changes ask us to look at these in different ways. However it is clear, that with the level of change implemented over the past 6 years and plans in place to address the forthcoming CSR period, further funding cuts would compromise our ability to maintain our SDM and meet the risks that exist within the West Midlands communities, as identified through the IRMP.

3.5 **A Period of Challenge and Change**

3.5.1 There have been many challenges for the Fire Service throughout the CSR period. The Knight review undertaken in 2013, placed the national Fire and Rescue Service under greater scrutiny. It began to challenge the way in which Fire and Rescue Services were run right at the end of the first round of the CSR. Challenges around the use of 'on call' fire fighters, closer collaboration, fire mergers/ combination and leaner management structures, were areas which the Service had already, or were at the time beginning to consider and address. The outcomes of the Knight review also highlighted the need to review Grey Book (Firefighter) terms and conditions. This was then followed by the Adrian Thomas Review in August 2014.

3.5.2 The Adrian Thomas review considered whether the current terms and conditions of the Grey Book are conducive to building the fire and rescue service of the future. The review was designed to take a look at national arrangements for agreeing conditions:

- management practices and crewing arrangements
- collaboration and integration with other emergency services
- the use of on call firefighters
- clarity of process in the fair recruitment and remuneration of chief fire officers and fire officers

3.5.3 Whilst the outcomes of the review have not yet been published the following themes have emerged and are

addressed through 46 recommendations:

- Culture and trust
- Regionalisation
- Use of the retained duty system
- Technology
- Recruitment, succession and leadership
- CFOA
- Fire Authority Members
- Base level firefighter role and training
- Industrial relations
- Future of the National Joint Councils for Brigade
- Managers and uniformed employees below that level

3.5.4 Both the Knight and Adrian Thomas review have and continue to set the direction for reform of the Fire and Rescue sector. Whilst the detail of the Adrian Thomas review has yet to emerge, conclusions can be drawn from the way in which Home Office policy is being developed, as to its content.

3.5.5 On the 11th September 2015 the Government released a consultation entitled 'Enabling Closer Working between the Emergency Services'. This consultation sought to garner opinion on 'how' a proposed new duty to collaborate for the three blue light emergency services could be implemented. This consultation clearly demonstrated the Government's intent to challenge the efficiency and effectiveness of Fire and Rescue Authorities, by proposing the governance of Fire and Rescue Services should sit with PCCs where locally agreed.

3.5.6 This consultation was followed by a rapidly progressed move of government department for the Fire and Rescue Service on the 5th January 2016, from the Department of Communities and Local Government to the Home Office.

3.5.7 On the 26th January 2016 the 'Enabling Closer Working' consultation outcomes were published. These outcomes proposed a new duty to collaborate on each of the blue light emergency services, as well as new powers for PCCs to take on the governance of Fire and Rescue Services. These powers are to be implemented through the pending Policing and Crime bill.

3.5.8 Following the move of the Fire and Rescue service to the

Home Office there has been much development in legislation, the Chief Fire Officers' Association (CFOA) priorities and the direction the Home Office is setting. These changes will reform the way in which Fire Services are governed in the future and critically, the way in which they will deliver their services of prevention, protection and response to their communities.

3.6 **The Future for Fire**

3.6.1 The recent announcement made by the Home Secretary, Theresa May on the 24th May 2016 recognised the 'striking achievements' made by Fire and Rescue Services in reducing fires, deaths and false alarms. She recognised that fire services had 'seized the need for change' at a local level and reformed themselves from the ground up. In recognising the efforts of Fire and Rescue Services in embracing prevention over response and shifting the balance of fire protection into industry and society more broadly, she recognised the 'deep understanding' of needs and risk of communities, that fire services have.

3.6.2 This statement also outlined an expected approach to reform for Fire and Rescue Authorities nationally. The announcement highlighted the following key factors:

- Closer collaboration with other local services
- The development of a coherent and comprehensive set of national standards
- Encouraging collective procurement
- The need for continued reform across the fire service focusing on greater transparency, accountability and scrutiny across its governance structures
- The need for a single accountable person to enable locally devolved decision making
- The undoubtable introduction of an inspectorate for fire
- A lack of diversity in the workforce and;
- The need for greater cross service collaboration to deliver efficiencies across the public sector, whilst also enhancing the delivery of services to the public.

3.6.3 The statement as well as the factors set out throughout this

report, highlight a clear desire from central government to affect a change, which will create an impetus for further reform wider than the delivery of services - reform for Fire and Rescue Authorities. The government and Home Office are committed to implementing governance structures which provide more scrutiny, transparency and accountability of decisions made.

3.6.4 These challenges must also be considered against the CFOA Change Programme. CFOA are working closely with the Home Office in developing a change programme, which will provide a clear direction for The Fire Service nationally. The proposed model is following the police model of a national body for Fire alike the National Police Chiefs Council – a National Fire Chiefs Council (NFCC).

3.7 **Changing Governance and Future Opportunities**

3.7.1 There are at least four future possible routes for governance of the Service: a fire authority or reduced size fire authority, a Police and Crime Commissioner, WMCA and Mayor and/or the Combination of Fire Services. Currently governance of a Fire and Rescue Service through a PCC or a Mayor as part of a Combined Authority, are the main options being proposed by Government with a route being set out via pending legislation.

3.7.2 However, following a recent meeting between Fire Minister, and the Metropolitan Chief Fire Officers. The Fire Minister confirmed, there would not be one governance approach for all Fire and Rescue Services. A number of structures will exist including:

- Metro Mayor structure
- PCC structure
- A middle area for rural / regional Metro Mayors

3.7.3 The Fire Minister further confirmed that combination of Fire and Rescue Services would be considered, as would the existence of Fire Authorities.

3.7.4 The Authority welcomes the opportunity to determine the most appropriate governance model via the development of business cases underpinned by efficiency, effectiveness and

economy based on public interest.

3.7.5 A Fire Authority

- 3.7.5.1 Currently all Fire and Rescue Services (excluding Scotland and London) whether Metropolitan, Combined or County Council, are governed through an Authority and Committees. These provide democratic accountability and governance of Fire Services to the communities they serve.
- 3.7.5.2 A Fire Authority is a statutory body with the Local Government Act 1985 and Local Government in Housing Act 1989, provides the basis for these arrangements. More specifically, for West Midlands Fire Service as a Metropolitan Service, the Local Government Act, s.29, schedule 10, currently sets out the number of Members that should sit on the Fire Authority, apportioning this amongst each of the 7 West Midlands Local Authorities.
- 3.7.5.3 The purpose of a Fire Authority is to provide policy and political direction to the Service and to approve the Authority budget.

3.7.6 A Police and Crime Commissioner:

- 3.7.6.1 One enabler to the governance changes Theresa May sets out, is the introduction of the Policing and Crime Bill (the Bill) later on this year (2016). As highlighted earlier and as an outcome of the 'Enabling Closer Working' consultation, this Bill introduces a duty for each of the emergency services to collaborate more. The Bill also makes provisions for Fire and Rescue Services to be governed through a single elected accountable person, a PCC or (following recent amendments) a Mayor, where this is locally determined. Once the Bill becomes an Act, the PCC will have the ability to submit a business case to the Secretary of State, to take over the governance of Fire and Rescue Services in their areas.
- 3.7.6.2 Any business case must be able to demonstrate the

benefits of this change against the delivery of improved efficiency, effectiveness, economy and public safety.

- 3.7.6.3 The Bill provides two options for the future governance and management of both organisations (Police and Fire). The first is where the PCC is both the governing body and the employer with Chief Officers from both organisations reporting in. The second enables the PCC to be the governing body but appoints a 'single employer', a Chief Constable, to oversee both organisations (Police and Fire). In this case the Chief Constable becomes the 'employer'. A structural diagram displaying these two options is detailed in Appendix 1.
- 3.7.6.4 The Bill also makes provision for differing arrangements in London where the London Fire and Emergency Planning Authority (LFEPA) will be abolished and the London Fire Service will be brought under the direction of the Mayor of London, who will set its budgets and strategic direction. The London Fire Commissioner will become a 'corporation sole', with the functions of the abolished LFEPA being transferred to the Commissioner. The Commissioner will have the functions of the Fire and Rescue Authority for Greater London.
- 3.7.6.5 A Fire and Emergency committee will be formed with the purpose of scrutinising the Commissioner, Fire Service and Mayor.
- 3.7.6.6 **Following the introduction of the Policing and Crime Bill, the West Midlands PCC will have been provided with the powers to compile a business case to the Secretary of State to take on the governance of the Service. The outcome of the work proposed in this report, should be a primary source of evidence for any potential business case.**
- 3.7.6.7 **West Midlands Combined Authority and Mayor:**
As part of public sector reform, handing down power

and money from central government to local authorities through devolution deals, means that decisions and spend can be made locally for the benefit of the region. This can be achieved through the joining of services to deliver better outcomes for the community. Devolution is a critical agenda for central government and through the Cities and Devolution Act 2016, will be delivered through a Mayor as the leader of a Combined Authority.

- 3.7.6.8 The WMCA has been operating in shadow status over the past 9-10 months and will take on its legal status on the 17th June 2016. Currently the first devolution deal has focused on the priorities of skills and training, economic growth and a better, faster transport infrastructure. Future devolution deals are currently being worked upon, but it is not clear when and if the inclusion of the Service will form part of these.
- 3.7.6.9 Mayoral elections for WMCA are due to take place on the 4th May 2017, which provides an opportunity through engaging as part of the WMCA (as we currently are) to influence the route that the Service can take.
- 3.7.6.10 Following recent amendments to the Bill, provisions have been made for the Mayor of a Combined Authority to have the direct power to “exercise the functions of Fire and Rescue Services”. This will require further amendments to the Local Democracy, Economic Development and Construction Act 2009. Therefore there exists the possibility that governance of the Service can move to the Mayor and be provided for through this structure.
- 3.7.6.11 **It is important to note this is not an intention or route that has been formally set out as yet by the WMCA, or in agreements as part of the Mayoral process. The ability for The Authority and the Service to influence this from both a political and business perspective is critical.**

3.7.7 Combination of Fire:

- 3.7.7.1 Governance as part of the WMCA and Mayoral structure, provides an opportunity of greater collaboration and possibly combination of neighbouring Fire Services within the WMCA. Both Warwickshire and Shropshire County Council are non-constituent members of the WMCA. These Councils cover two of the four neighbouring Fire Services and as such, this could provide a basis for exploring further the case for combination. Research undertaken during 2015 led by West Midlands Fire Service, highlighted that the combination of neighbouring Fire Services has the potential to deliver wider efficiencies and importantly, will not impact on the current performance standards of each Fire Service.
- 3.7.7.2 As highlighted in paragraph 3.7.1, the route for governance for Fire and Rescue Authorities is set out through a Police and Crime Commissioner or a Mayor, via the Policing and Crime Bill. This is due to reach Royal Assent and become an Act towards the end of 2016. At this stage the West Midlands PCC will be able to make a business case for the governance of West Midlands Fire Service. Mayoral elections are due to take place in May 2017 and nominated candidates are already being announced. A Mayor, once elected, will then have the ability to make a business case for the governance of the Service.
- 3.7.7.3 The Authority therefore has a relatively small window of opportunity - five to six months, to influence the future governance of the Service and influence the mandates of the Mayoral candidates and the WMCA. The objective of this would be to enable the governance of the Service through a Mayoral model being considered on the same level as the PCC. The reasons for this are as highlighted in section 3.8 below. A more detailed timeline is set out in section 3.10.

3.8 WMFRA commitment to future governance

- 3.8.1 The Authority engages openly in ongoing external developments impacting upon the Service and importantly its ability to deliver prevention, protection and response services to its communities. Whilst the Authority sees greater benefits in the delivery of services to the communities through a governance model as part of the WMCA and Mayor; the Authority is committed to exploring an evidence based approach to understanding the case for change for each of the possible governance options. As such the Authority and Chief Fire Officer (CFO) maintain ongoing discussions with the West Midlands PCC and engage effectively with the WMCA.
- 3.8.2 The Authority understands that a mayoral arrangement as part of a devolution agreement will take in the powers of a PCC in the future. This makes it logical to work efficiently toward a route for the powers of the Authority to be considered alongside this single status for governance as part of the WMCA. Further evidence of current operating that would benefit aligning to a governance structure as part of the WMCA Mayoral model is:
- Our 3 year rolling corporate strategy 'The Plan' clearly demonstrates commitment to the delivery of integrated prevention, protection and response services. The Strategic Enabling Team's (SET) continuous focus on the changing external environment and organisational developments, enables a dynamic review and refresh of 'The Plan'. SET engage the wider organisation in thinking about future challenges, assess the impact of internal and external changes and determine the strategic direction of the Service. Members are engaged in this review through Policy Planning Forum and thereafter the Authority approves 'The Plan'.
 - A significant element to the integration of services guided through 'The Plan', focuses on how the Service has and continues to embed itself in the delivery of wider prevention and protection based services. These services seek to deliver wider, joint partner outcomes to the communities of the West Midlands such as, enhancing independent living for the most vulnerable and supporting economic growth through strategic

regulation.

3.8.3 The integrated SDM makes this possible, as this is built on the right allocation of resources to risk, to provide a 5 minutes attendance standard to the most serious incidents. This approach means the Service can focus on excellence in the training and development of our staff. A 24/7 (whole time) service to the communities of the West Midlands, supports front line staff in delivering excellent integrated prevention, protection and response services designed to meet the needs of the communities of the West Midlands.

3.8.4 If governance for the Service were to be provided for by the West Midlands PCC is not clear as to whether this governance model has the potential to provide the same service delivery and community outcomes, that governance under a WMCA and Mayor could. The likelihood of both the Police and the Service being governed as part of a Mayoral model in future years is high. A governance move to a PCC and then a Mayor would have significant financial, service delivery and staffing implications. It is primarily for these reasons that the Authority and the Service are keen to avoid a change in governance twice.

3.9 **Key Challenges for the Authority**

3.9.1 It is clear that whichever governance option the Service falls within in the future, the Authority will not exist as it does now, maintaining the status quo is not an option. Home Office expectations around reform of the Fire Service are developing at a pace, as their knowledge of the fire sector becomes clearer. The Authority must now consider how it influences, works with and responds to changes as the Government pushes forward local devolution and public sector reform. Some critical challenges will be:

- How to stay relevant in changes taking place across the West Midlands local government space.
- Maintaining clear alignment to WMCA from a governance and service provision perspective.
- Demonstration of ownership of reform and change through greater accountability and scrutiny to communities and stakeholders.
- Maintaining identity as West Midlands Fire Service

from an operational and service perspective through continued delivery of excellent services to the community

- Adopting an approach to governance which can:
 - Move seamlessly into WMCA – maintaining a more informed, experienced and accountable governance structure for the Service.
 - Demonstrate scrutiny and transparency in decisions made and value for money in the services provided.
- Working with the PCC to reach a joint evidence business case for the future of governance of the Service.

3.9.2 These challenges must also be considered against the developing CFOA Change Programme as highlighted earlier in paragraph 3.5.8.

3.9.3 Without actions taken to address the above challenges the Authority and the Service could potentially lose relevance, credibility and public confidence (an emerging corporate risk), as uncertainty around the future governance of the Service highlights the potential to impact on the future priorities set out in The Plan and agreed outcomes for local communities.

3.10 **The Pace of change – Our Timeline**

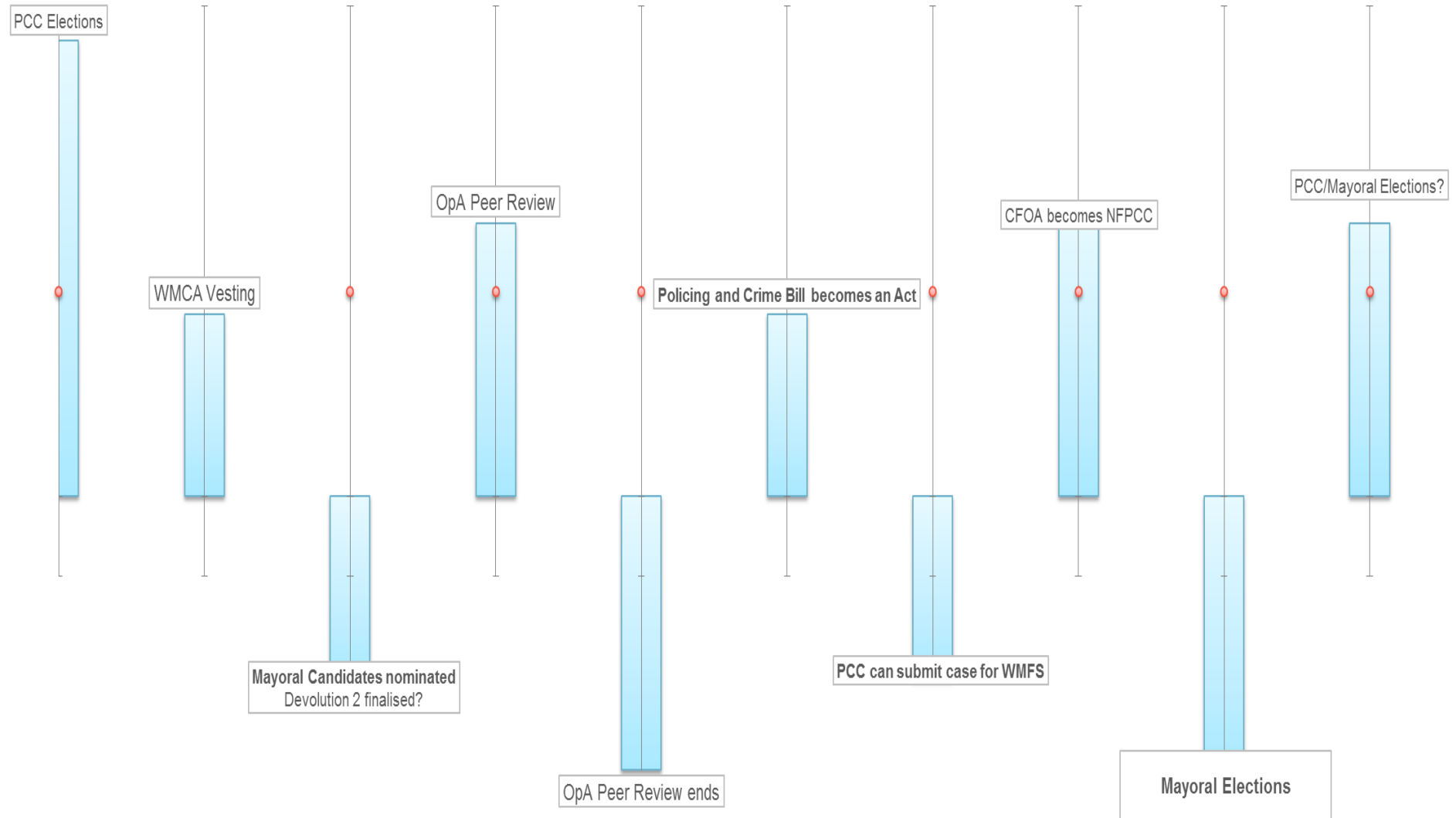
3.10.1 The Home Office have clearly stated that the fire service will reform. The expectation has been set that change will impact on fire services, as well as their governing body's.

3.10.2 The timeline below highlights the pace of this change from a governance perspective. Most significant changes that will impact on, or even dictate the future governance of the Service are due to be implemented within the next 12 months. The pace of change is faster than ever before.

3.10.3 The Authority must be able to influence the future direction of governance for the Service through reviewing current arrangements and engaging in understanding the best way forward for effective governance arrangements, whilst ensuring value for money in services delivered to the communities of the West Midlands.

- 3.10.4 A key milestone in the timeline for Members to consider as highlighted earlier in section 3.7.6.1, is the introduction of the Policing and Crime Bill later this year and the powers this then places with the PCC to develop a business case for the Service. This provides the Authority now with four to six months to influence and determine the direction it needs to take, against a backdrop of changing legislation and governance frameworks. Any direction for the future needs to address: the priorities set by the Home Office, consider all evidence based business cases, as well as influence the Authority and Service direction. This aspires to the benefits to services delivered, which accountability through a Mayoral model can provide.
- 3.10.5 The timeline detailed below provides an overview of the most significant governance, legislative and political changes over the next three to four years.

The Pace of Change - Governance Timeline



3.11 **Influencing Our Direction**

- 3.11.1 The CFO and other officers have engaged in developing discussions with the WMCA for the past 9-10 months. Initially this was through the Public Sector Leadership Board and more recently by establishing the Authority as an 'Observer' through the WMCA Shadow Board, led by the seven Metropolitan Council Leaders and the Programme Board.
- 3.11.2 The ability to engage with the WMCA as an observer provides the Authority with an invaluable opportunity. Allowing us to further influence the understanding of both constituent and non-constituent members, of the wider services the Service has to deliver and importantly how this will contribute to the priorities of the WMCA.
- 3.11.3 The Service has recently agreed to lead the 'Troubled Individuals' work programme on behalf of the WMCA, a clear signal that WMFS can lead and support these wider agendas.
- 3.11.4 Whilst the WMCA provides a progressive governance option for the Authority, the Chair and CFO maintain regular discussion with the PCC. This enables two way communication and a continued approach to collaboration with West Midlands Police.

3.12 **A Year of Change – A Future Governance Working Group**

- 3.12.1 This report has so far provided a broad overview of how the Service has reformed in the delivery of its services both internally and externally. Previous reviews of the National Fire Service have been described, providing an evidence base and trigger for the Government's agenda for reform of fire. An overview of the range of cases for possible future governance of the Service and the preferred direction of the Authority has been set out, as has the clarity in the timeline. It is clear in 12-24 months' time the Service is likely to move to a different governance model. Whichever option is implemented accountability, scrutiny and governance for fire services in the future will look quite different to what exists through the Authority today.

- 3.12.2 The Authority has the opportunity now to influence what this may look like and determine with key stakeholders the right governance structure, which will help to stabilise the Service and the delivery of services for local communities. This would pave the way for the future governance of WMFS, to ensure delivery against government agendas without losing the current democratic approach to decision making.
- 3.12.3 To support future change this report proposes the commissioning of a 'Future Governance' working group. This group will review the appropriateness of the current makeup and structure of the Authority, against the changing external influences highlighted in this report. The working group will consider the widest range of cases and examples for the future governance of the Service. Most of which have been included in this report in section 3.7.
- 3.12.4 The purpose of the working group will be to determine the best approach to delivering the governance of the Service through considering the range of business cases in a balance way. Any future options will need to support increased scrutiny, transparency and accountability of decisions made to local communities in a value for money way.
- 3.12.5 The outcomes of the working group will be: for the Authority to be able to make an evidence based decision, on the best case for governance for the Service in the future and the best approach to achieving this.

3.13 **Approach and timeline:**

- 3.13.1 It is proposed that the working group adopts the following approach:
- A review period of 4 to 6 months, delivering review outcomes and recommendations at the February 2017 Authority.
 - Membership of the working group consists of five Members of the Authority and five external stakeholders. This make up will enable effective scrutiny of current arrangements and future options, as well as consideration of the wider external issues

facing public services, which will impact on the future delivery of 'The Plan'.

- Working group members will commit to a work programme and schedule outside of 'normal' Authority business.
- An independent external Chair will be appointed to the group. The Chair will:
 - Possess the right skills and personal attributes require for the role.
 - Be responsible for setting the agenda for the working group, ensuring evidence is considered in an accurate and timely way
 - Promote a culture of openness and debate
 - Facilitate effective contribution from all working group members.
- The Chair will work with the Clerk to ensure the purpose and scope of the review is understood and provides appropriate support and challenge to enable the group achieve its outcomes as set out in paragraph 3.12.5.

3.13.2 The structure of the core working group is suggested as follows:

3.14 Future Governance Working group:

- 5 Authority Members
- 5 External Stakeholders: PCC office, Health expert, WMCA Officer and a Home Office Representative
- CFO as an advisor
- External independent Chair – Price Waterhouse Coopers
(Clerk to the Authority and Officer to support above)

3.14.1 In determining the Authority Members on the working group consideration should be given to gender, BME and political balance.

3.14.2 The role of the working group is as set out above in paragraphs 3.12.3 to 3.12.4.

3.15 **Sounding Board:**

3.15.1 To enable suggested ideas to be tested for validity and likely success, the Authority's Section 41 Members will provide the role of a 'Sounding Board'. This role will also enable effective progress to be monitored.

3.15.2 To include all Section 41 (lead) members.

3.16 **Key Stakeholders:**

The following additional stakeholders will be engaged in the review using a variety of approaches, to enable the deepest insight into the potential cases for future governance:

- WMCA CEOs and leaders
- Union officials (Unison, Fire Brigades Union, Fire Officers' Association and Association of Principal Officers
- Home Office
- Representatives from CFOA, LGA and CLG
- Chief Fire Officers from regional fire services
- WMFS Officers
- Grant Thornton

3.17 **Guiding Principles:**

In its approach it is suggested that the working group adopt the CIPFA Good Governance Standard for public services. This is an accepted and established standard and will provide a set of guiding principles for the review. This standard can be used to assess the strengths and weaknesses of current governance practice. It will support the working group in understanding the improvements required to enable the Authority to conform to Government expectations of reform, greater scrutiny and transparency and accountability. The standard comprises six core principles of good governance, which focus on the role of governance in delivering outcomes for communities, these six core principles are set out in Appendix 2.

3.18 **Influencing factors:**

3.18.1 To further address the challenges set out earlier in section 3.9, the working group should give consideration to the following factors:

- All potential governance models for the Service and their impact on the delivery of value for money services and public safety, to include: WMFRA, PCC, WMCA and Mayor
- Consideration of other Combined Authority approaches, which exist across the country
- Consideration of the London 'Fire Commissioner' Model, which is provided for in the Policing and Crime Bill
- The combination of Fire Authorities
- Defined roles and responsibilities of both the Authority, possible future governing body and officers to support effective operational decision making.
- The CFOA Change Programme and how this might impact on future governance options.

3.18.2 In light of the timeline and milestones set out in section 3.10 (Pace of Change), it is anticipated a review of progress and findings will take place at the December 2016 PPF. This will allow for approval of outcomes and any recommendations made at the February 2017 Authority meeting. Implementation of any approved recommendations will take place from the Annual General Meeting in June 2017.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required.

5. **LEGAL IMPLICATIONS**

There are no direct legal implications.

6. **FINANCIAL IMPLICATIONS**

If the proposed Working Group is approved, it is anticipated there will be an increased demand on Member and Officer time. However there will not be any direct financial implications arising from this report.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

BACKGROUND PAPERS

WMFRA Response to the Enabling Closer Working between
Emergency Services, 23.10.15

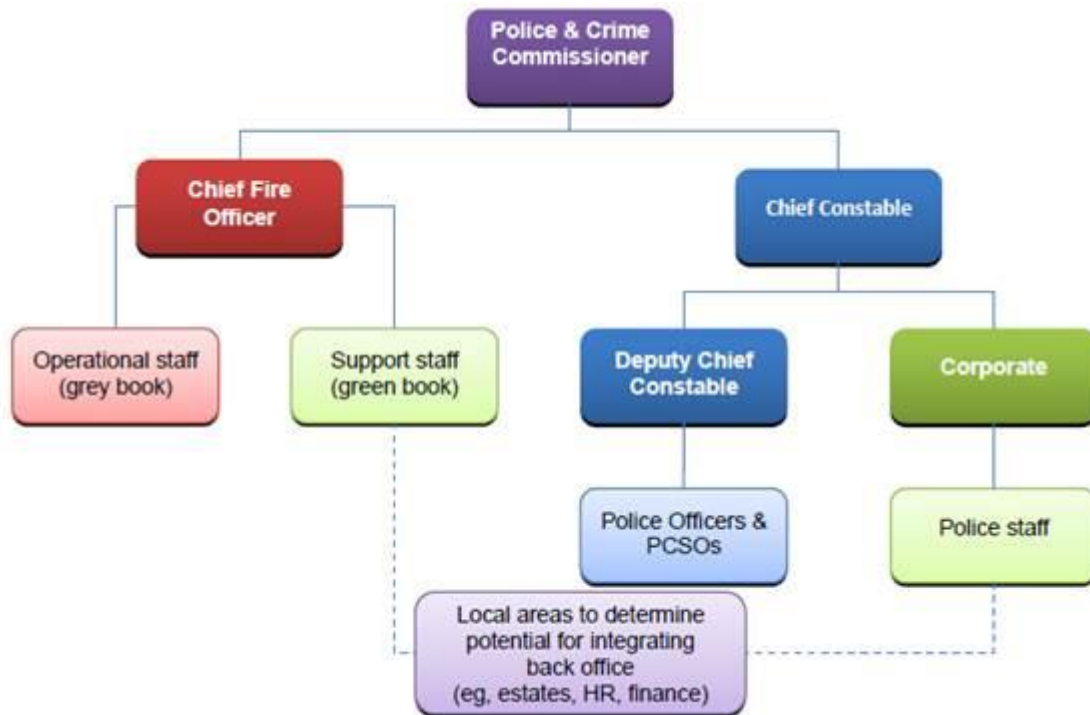
**The contact name for this report is Karen Gowreesunker 0121
380 6678**

PHIL LOACH
CHIEF FIRE OFFICER

APPENDIX 1

Police and Crime Commissioner Model

Structure 1: Single Employer (Police and Crime Commissioner) - Separate Chief Officers



Structure 2: Single Chief Officer - Single Employer



APPENDIX 2

CIPFA Good Governance Standard for Public Services **Six Core Principles**

1. Good governance means focusing on the organisation's purpose and on outcomes for citizens and service users

This focuses on being clear about the organisation's purpose and its intended outcomes for communities and service users. Ensuring that this is received in a high quality and value for money way.

2. Good governance means performing effectively in clearly defined functions and roles

This section focuses on being clear about the functions of the governing body, the Chief Executive the responsibilities of non-executives and the executive, and making sure that those responsibilities are carried out in a way which provides clarity for others in who is responsible for what.

3. Good governance means promoting values for the whole organisation and demonstrating the values of good governance through behaviour

This focuses on putting organisational values into practice across decisions and actions taken. Individual governors behaving in ways that uphold and exemplify effective Governance.

4. Good governance means taking informed, transparent decisions and managing risk

A critical part to the government agenda, this section focuses on being rigorous and transparent about how decisions are taken, Scrutinising at an early stage through having and using good quality information, advice and support. Making sure that an effective risk management system is in operation.

5. Good governance means developing the capacity and capability of the governing body to be effective

Critical to the future of the Authority this section focuses on making sure that appointed and elected governors have the skills, knowledge and experience they need to perform well. Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group. Striking a balance, in the membership of the governing body, between continuity and renewal

6. Good governance means engaging stakeholders and making accountability real

This section focuses on understanding formal and informal accountability relationships with the public, staff and institutional stakeholders. Taking an active and planned approach to dialogue with and accountability to the public

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

1. **MONITORING OF FINANCES**

Joint report of the Chief Fire Officer and Treasurer.

RECOMMENDED

THAT the report be noted.

2. **PURPOSE OF REPORT**

2.1 This report deals with the monitoring of the finances of the Authority in the current financial year and covers revenue expenditure and the Capital Programme.

2.2 Expenditure is compared with a profile of the Authority's budget.

3. **BACKGROUND**

3.1 **Revenue Expenditure**

Appendix A compares the revenue budgeted to the end of May 2016 with the actuals to that date. Devolved budgets are managed by the Department responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Department on behalf of the Brigade as a whole.

The Authority's 2016/2017 Council Tax requirement is £37.874 million and the revenue budget is £97.413 million. Actual spend to May 2016, including commitments, was £19.642 million compared to a projected budget of £19.787 million, an overall favourable variance of £0.145 million.

Appendix B provides statistical data relating to the Firefighters' Pension Scheme.

3.2 **Capital Expenditure**

The Authority's approved capital programme for 2016/2017 is £7.584 million. A scheme analysis is shown on Appendix C. Expenditure to the end of May 2016 is shown as £0.121 million.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

6. **FINANCIAL IMPLICATIONS**

These are contained in the body of the report and the attached Appendices.

BACKGROUND PAPERS

Authority's Budget and Precept Report – February 2016
Finance Office Budget Monitoring Files

The contact officer for this report is Philip Hales, Deputy Chief Fire Officer, telephone number 0121 380 6907

PHIL LOACH
CHIEF FIRE OFFICER

MIKE GRIFFITHS
TREASURER

REVENUE MONITORING SUMMARY TO MAY 2016

	LATEST BUDGET 2016/2017 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT -MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
DEVOLVED BUDGETS				
Corporate Management	3,293	1,380	1,389	9
Service Support				
People Support Services	5,514	910	911	1
Business Development	94	16	16	0
Operational Preparedness	1,199	249	236	-13
Operational Assurance	395	67	66	-1
Finance & Resources	4,474	747	744	-3
ICT	3,968	1,022	1,003	-19
Service Delivery				
Operations	50,649	8,491	8,399	-92
CORPORATE BUDGETS				
Service Support				
People Support Services	2,645	304	294	-10
Operational Preparedness	0	45	49	4
Finance and Resources	20,152	5,710	5,696	-14
Service Delivery				
Response	5,065	854	857	3
Prevention	-14	0	0	0
Protection	-21	-8	-18	-10
TOTAL (NET BUDGET REQUIREMENT)	97,413	19,787	19,642	-145
Grant Funding	- 59,539	-16,539	-16,539	0
TOTAL (COUNCIL TAX REQUIREMENT)	37,874	3,248	3,103	-145

FIREFIGHTERS' PENSION SCHEMES**NON-FINANCIAL
INFORMATION**

	2016/17 PROJECTION				ACTUAL POSITION AS AT MAY 2016			
	1992 FPS	2006 FPS	2015 FPS	TOTAL	1992 FPS	2006 FPS	2015 FPS	TOTAL
Members of FPS at 1st April 2016	470	16	887	1,373	470	16	887	1,373
New Members	-	-	-	-	-	-	-	-
Opt-In	-	-	-	-	-	-	-	-
Transitional Members during year	-33	-5	38	-	-3	-3	6	-
Transfers from Other Pension Schemes	-	-	2	2	-	-	-	-
Transfers to Other Pension Schemes	-	-	-5	-5	-	-	-	-
Retirements	-66	-1	-	-67	-9	-	-	-9
Opt-Out	-	-	-4	-4	-	-	-	-
Leavers	-	-	-	-	-	-	-	-
Ill-Health Retirements	-3	-	-	-3	-	-	-	-
Members of the Fire Pension Schemes as at 31st May 2016					458	13	893	1,364

CAPITAL MONITORING STATEMENT 2016/17

Scheme	Year 2016/17	Latest Budget	Actuals May 2016	Forecast	Variance
		£'000	£'000	£'000	£'000
<u>LAND & BUILDINGS</u>					-
Coventry Fire Station	2 of 3	2,412	32	2,412	-
Aston Fire Station	2 of 4	191	2	191	-
Training at Height Facilities	11 of 11	363	2	363	-
Boiler Replacement Programme	Ongoing	306	3	306	-
Roof Replacements	Ongoing	132	0	132	-
Windows/Door Replacement	Ongoing	131	0	131	-
Rewires	Ongoing	210	0	210	-
Bilston Modification Works	1 of 1	90	0	90	-
X-Plan	1 of 1	300	0	300	-
Haden Cross Fire Station	4 of 4	49	0	49	-
Dignity at Work	3 of 3	4	0	4	-
<u>VEHICLES</u>					-
Vehicle Replacement Programme	Ongoing	3,007	39	3,007	-
<u>ICT & EQUIPMENT</u>					-
MDT Upgrade / Replacements	1 of 1	310	0	310	-
Oracle Licensing	8 of 8	25	0	25	-
PBX Upgrade	2 of 2	54	43	54	-
Grand Total		7,584	121	7,584	-
<u>Funded By</u>					-
Prudential Borrowing		0		0	-
Capital Grants / Contributions		2,135		2,135	-
Capital Receipts to be Applied		1,105		1,105	-
Revenue Financing / Earmarked Reserves		4,344		4,344	-
TOTAL		7,584		7,584	-
SURPLUS(-)/DEFICIT(+)					

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

1. **ANNUAL REPORT OF THE AUDIT COMMITTEE 2015/16**

Report of the Chair of the Audit Committee.

RECOMMENDED

That the Authority receives the Audit Committee's Annual Report 2015/16.

2. **PURPOSE OF REPORT**

This report is submitted to bring to the attention of the Authority the Annual Report of the Audit Committee for 2015/16.

3. **BACKGROUND**

- 3.1 In January 2009 the Audit Committee undertook its first annual self-assessment, in accordance with CIPFA recommendations. One of the Committee's conclusions was that, in order for the Authority to be fully effective in comprehending and assessing the control environment within which West Midlands Fire Service operated then it was necessary for the Committee to present an annual report to the Authority.
- 3.2 The Annual Report for 2015/16 is attached as an Appendix for consideration by the Authority. The report was approved by the Audit Committee on 6 June 2016.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

The Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

6. **FINANCIAL IMPLICATIONS**

The Accounts and Audit Regulations Act states that a relevant body must “maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices”.

BACKGROUND PAPERS

Annual Internal Audit Report 2015/16.

Tersaim Singh
Chair of the Audit Committee

WEST MIDLANDS FIRE SERVICE

**Annual Report of the Audit Committee
2015/16**

1. Background

The Audit Committee was established by the Fire Authority in January 2008. Its purpose is to provide:

- independent assurance on the adequacy of the risk management framework and the associated control environment,
- independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to
- oversee the financial reporting process.

The key benefits of the Committee can be seen as:

- Increasing public confidence in the objectivity and fairness of financial and other reporting.
- Reinforcing the importance and independence of internal and external audit and similar review processes.
- Providing additional assurance through a process of independent review.
- Raising awareness of the need for internal control and the implementation of audit recommendations.

The Terms of Reference for the Committee can be found at Appendix A of this report.

Audit Committee Members Knowledge and Skills Framework

Each member of the Committee is currently completing a knowledge and skills framework questionnaire, giving them the opportunity to record details of their relevant experience and knowledge, and to identify areas where they felt they would benefit from additional training. Once these have been completed, the results will be summarised and reported back to the Committee.

2. Meetings

During 2015/16 the Committee met on the following dates:

- 7 September 2015
- 9 November 2015
- 18 January 2016
- 11 April 2016
- 6 June 2016

3. Committee members and attendance record

	7/09/15	9/11/15	18/01/16	11/04/16	06/06/16
Councillor T Singh	√	√	√	√	√
Councillor Aston	X	√	√	√	√
Councillor Quinnen	√	√	X	√	X
Councillor P Singh	√	√	√	√*	√
Councillor Miks	√	X	√	√	X
Councillor Sealey	√	X	√	√	√
Mr M Ager	√	√	√	√	√

*Councillor P Singh attended the meeting on the 11 April 2016, however, he was required to leave shortly after the start of the meeting to attend the Joint Consultative Committee.

4. The Committee's business

During the year the Committee conducted the following business:

<p>Governance Statement - 2014/15</p> <p>Corporate Risk – Regular Updates</p> <p>Audit Committee Annual Report – 2014/15</p> <p>Audit Committee – Terms of Reference Review</p> <p>Audit Committee – Self Assessment of Good Practice (continuing)</p> <p>Audit Committee Work Programme</p>	<p>CIPFA Audit Committee Updates</p> <p>Updates on Topical, Legal and Regulatory Issues</p> <p>Treasury Management Annual Report – 2014/15 (and Mid-Year Review)</p> <p>Monitoring Policies on Raising Concerns at Work – Whistleblowing</p> <p>Standing Order and Regulation of Investigatory Powers Act</p> <p>Value for Money for the Authority</p>
<p>External Audit Work Programme and Scale of Fees</p> <p>External Audit Plan</p> <p>External Audit – Annual Audit Letter 2014/15</p> <p>External Audit – Audit Committee Updates</p> <p>External Audit – Communication with the Audit Committee</p>	<p>Internal Audit Annual Report - 2014/15</p> <p>Internal Audit Progress Reports</p> <p>Internal Audit Charter – Annual Review</p> <p>Internal Audit Plan – 2016/17</p> <p>Review of the Effectiveness of Internal Audit</p>

Update from the Pensions Board – Firefighters Pension Scheme
Discretions Policy – Firefighters Pensions Scheme
Requests for Decisions under Firefighters Pension Scheme
Minutes of the Pensions Board

5. Conclusion

The Committee was able to confirm:

- That the system of internal control, governance and risk management in the Authority was adequate in identifying risks and allowing the Authority to understand the appropriate management of these risks.
- That there were no areas of significant duplication or omission in the systems of internal control, governance and risk management that had come to the Committee's attention, and had not been adequately resolved.

6. Sources of assurance

The Committee gained assurance in order to produce the above conclusion, from the following sources:

The work of Internal Audit

The Authority's Internal Auditors gave the following opinion in their Annual Report for 2015/16:

*Based on the work undertaken during the year and the implementation by management of the recommendations made, Internal Audit can provide *reasonable assurance that the Fire Authority has adequate and effective governance, risk management and internal control processes. *We are pleased to report that this is an unqualified opinion and the highest level of assurance available to Audit Services. In giving our opinion it should be noted that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes".*

The work of the External Auditors

During the year the external auditors (Grant Thornton) reported back to the Audit Committee on a number of occasions as detailed in section 4 above. No issues of any significant concern were raised.

The Governance Statement

The Governance Statement operated throughout the year ended 31 March 2016 and up to the date of the approval of the annual report and accounts.

The systems to ensure the management of the risks have been shown to be sound.

Risk Management

The Committee regularly receives and reviews the Authority's Corporate Risk Register, and assesses the assurance provided in order to demonstrate how risks are being mitigated.

7. The Committee's main achievements

The Committee believes its key achievements during the year were:-

- Continuing to build a good working relationship with the Authority's new external auditors Grant Thornton.
- Receiving and reviewing a number of useful sector updates from the external auditors.
- Following the final abolition of the Audit Commission, continuing to maintain an awareness of the likely changes to the appointment of external auditors through the Local Audit and Accountability Act.
- Reviewing the Committee's Terms of Reference in order to ensure they remain fit for purpose.
- Providing additional assurance through a process of on-going independent review.
- Raising the profile of internal control issues across the Authority and of the need to ensure that audit recommendations are implemented.
- Regular consideration and review of the Authority's Risk Register and accompanying assurances.
- Building the skills and knowledge of Committee members through regular technical updates and the consideration of related guidance issued by CIPFA.
- The continued presence of an independent member in order to broaden the Committee's experience and independent view point.

Terms of Reference for the Committee

Terms of Reference were reviewed in order to ensure that they remained fit for purpose, and that they reflected guidance provided in the Chartered Institute of Public Finance and Accountancy (CIPFA) Audit Committees – Practical Guidance for Local Authorities 2013 Edition:

Statement of purpose

Our Audit Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

Internal Audit

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To support the development of effective communication with the head of internal audit.

External Audit (Grant Thornton)

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2016

1. **ANNUAL REPORT OF THE SCRUTINY COMMITTEE
2015/16**

Report of the Chair of the Scrutiny Committee.

RECOMMENDED

That the Authority receives the Scrutiny Committee's Annual Report 2015/16.

2. **PURPOSE OF REPORT**

This report is submitted to bring to the attention of the Authority the Annual Report of the Scrutiny Committee 2015/16.

3. **BACKGROUND**

3.1 The Scrutiny Committee was established at the Annual Meeting of the Authority in June 2012. The Committee was to undertake performance management functions and would also scrutinise HR matters, equality and diversity and health and safety across the service. Its purpose is to:-

- inform policy development
- hold officers and the Service to account
- conduct reviews into specific issues

3.2 The Annual Report for 2015/16 is attached as an Appendix for consideration by the Authority. The report was approved by the Scrutiny Committee on 6 June 2016.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

There are no particular legal requirements for the Authority to establish a Scrutiny Committee; it is however considered good practice for authorities to have a vehicle through which monitoring and review of the Authority's policies and practices can be undertaken.

6. **FINANCIAL IMPLICATIONS**

The Scrutiny Committee can, if required, access resources to be able to engage external professional advice. Most of its work however is undertaken by officers within the employ of the Authority and therefore no additional costs are incurred.

BACKGROUND PAPERS

Authority and Scrutiny Reports.

Chris Tranter
Chair of the Scrutiny Committee

Annual Report of the Scrutiny Committee 2015/16

1. Background

The Scrutiny Committee was established by the Fire Authority at its Annual General Meeting in 2012. Its purpose is to:

- inform policy development
- hold officers and the Service to account
- conduct reviews into specific issues

The key benefits of the Committee can be seen as:

- Complementing the strategic and policy formulation and development work of the Authority and Service.
- Developing the skills of members to enable them to investigate below the surface of policies, strategies and processes.
- Providing a useful oversight and an element of 'challenge' to performance improvement processes and continuous improvement.
- Encouraging public involvement in the policy process.
- Supporting the development of an environment that stimulates a more reflective, evaluative and evidence based culture within the Authority and Service.

The Terms of Reference for the Committee can be found at Appendix A of this report.

2. Meetings

During 2015/16, the Committee met on the following dates:

• 17 August 2015
• 12 October 2015
• 16 November 2015
• 15 February 2016
• 21 March 2016
• 06 June 2016

3. Members & Attendance Record

	27/08/15	12/10/15	16/11/15	15/02/16	21/03/16	06/06/16
Councillor Barrie	√	X	√	√	√	√
Councillor Hogarth	√	X	X	√	√	√
Councillor B Singh	√	√	√	√	√	√
Councillor Skinner	√	√	√	√	√	√
Councillor Spence	√	√	√	X	X	√
Councillor Tranter	√	√	√	√	√	√
Councillor Ward	√	X	√	X	X	N/A
Councillor Young	X	√	√	√	X	√

Note: Councillor P Singh attended as substitute for Councillor Hogarth at the meetings held on 12 October and 16 November.

Senior Officers from the Authority are also present as appropriate.

Working Groups are also appointed to consider scrutiny reviews. The Committee must undertake a minimum of two such reviews each year. Each Working Group has four or five members allocated to it.

4. Business

During the year the Committee conducted the following business:

- Quarterly Analysis of Corporate Performance against 'The Plan'
- Diversity, Inclusion, Cohesion and Equality quarterly updates
- Dispute Resolution Monitoring
- Review of Human Resources Policies (People Support Services) that relate to positive action strategies
- Work programme selection
- Working Group Review of Partnerships (review completed with proposals submitted and agreed, progress of outcomes monitored)
- Working Group Review of Data Sharing (initial scoping document submitted and working group established)

Note: A working group was established to undertake a review of data sharing with partners. This review is expected to be complete in 2016/17.

5. The Committee's main achievements

The Committee believes its key achievements during the year included:-

- The Service's partnership working arrangements had been identified by senior Officers as a potential area for concern and improvement. The Committee agreed to examine this area and undertook a review of partnership working. The review led to a number of recommendations to be implemented, the outcomes of which will continue to be monitored by the Committee as progress is made.
- One area identified for improvement by the review of partnership working was data sharing. Therefore, as a direct result of this review, a review of data sharing will be undertaken including the examination of the associated protocols and procedures, analysing their effectiveness, and identifying and removing barriers where present. The review has been scoped and a Member led working party has been agreed. It is intended that the review will be completed, and its findings submitted, during year 2016/17.
- The robust monitoring of the Service's performance in the areas of Equality and Diversity, analysis of Corporate Performance against 'The Plan', workforce profile indicators and the Prevention Strategy, including Safe and Well visits.

Terms of Reference for the Scrutiny Committee

Scrutiny Committee

To carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Executive Committee.

To track and monitor the implementation of review recommendations that are accepted by the Executive Committee.

To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.

To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

To receive and scrutinise performance information including progress against the Community Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality and diversity throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.

To monitor and scrutinise as appropriate the Authority's HR policies.

To monitor and scrutinise sickness levels, promotion policies and employee exit information.

To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.

To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.

To deal with any matters referred to it by the full Authority, the Policy Planning Forum or Executive Committee, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.

To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.

To submit its minutes and an Annual Report to the Authority.

In order to allow for separation of the scrutiny and decision making functions, members of the Scrutiny Committee shall not sit on the Executive Committee.

The Committee will sit in public with minimum exceptions.

In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

Minutes of the Executive Committee

21 March 2016 at 1000 hours
Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors, Atwal Singh, Aston,
Davis, Quinnen, and Shackleton
Cllr. Tranter (Chair of Scrutiny Committee)

Apologies: Cllrs Afzal, Sealey, Douglas-Maul

Observers: Cllrs Clinton, Dehar, Mottram, Skinner

1/16 **Minutes of the Executive Committee held on 14 December 2015**

Resolved that the minutes of the meeting held on 14 December 2015, be approved as a correct record.

2/16 **Declarations of Interest**

There were no Declarations of Interest.

3/16 **Corporate Performance Indicators**

The Committee received a report seeking approval for the Performance Indicators (PIs) and targets for 2016/17 as set out in the report.

The Chair of the Scrutiny Committee, Councillor Tranter had discussed the Performance Indicators in depth with Assistant Chief Officer (Service Delivery), the Strategic Enabler

(People Support Services) and a Team Leader from the Strategic Hub.

Councillor Tranter recommended the Performance Indicators and targets for 2016/17 to the Committee.

In response to a Member's inquiry regarding the target of zero for Arson Vehicle Fires, the Deputy Chief Fire Officer stated that this target had been set as there was a rising trend for Arson vehicles fires. The three year rolling programme was being monitored with the aim to maintain a steady state and to then set a reducing target in future.

In response to a further question on the points system applicable to Safe and Well Checks, the Chief Fire Officer stated that a simplified method of scoring had been approved by Scrutiny Committee and an index of vulnerability was used to achieve the points score.

A further enquiry was made regarding charges for the work of Fire Safety officers. The Chief Fire Officer stated that the Authority did not charge at the current time. If a business particularly wanted the Brigade to work with them on a specific area of fire engineering they could be charged by the Brigade

In respect of PI15 it was explained that the aim was for 100% of staff to disclose their status to enable the Brigade to have an accurate picture of the number of staff with a disability. The Chief Fire Officer stated that we can now show that the Authority employs a larger number of staff who are disabled.

It was also explained some disabilities develop over time and some people do not realise that they have a disability, for example, Dyslexia.

The Monitoring Officer confirmed that some people choose not to declare a disability but in these cases it would be harder to provide the appropriate support in work related issues an employee may have.

In respect of PI16, it was felt that an overall target of 76 female uniformed staff was an achievable target and the figure was a conversion of a percentage.

The Chief Fire Officer explained that the Service was experiencing an increase in arson calls, but was in line with the numbers being experienced in other Metropolitan Fire Authorities.

The Chief Fire Officer thanked the Chair of the Scrutiny Committee for the work undertaken by the Committee together with the Quarterly Performance Reporting and Performance Indicator meetings.

Resolved that the Corporate Performance Indicators (PIs) and targets for 2016/17 as set out in the Appendix to the report be approved.

4/16 **Emergency Services Mobile Communications Programme (ESMCP)**

The Committee received a report on the replacement of Airwave mobile communications with the ESMCP which will deliver a new Emergency Services Network (ESN) and were asked to formally agree on behalf of the Authority and note the indicative financial implications associated with the programme. The Chief Fire Officer would sign off the documentation.

It was explained that the ESMCP would replace the existing network provided by Airwave and the contracts were due to expire between 2016 and 2020. New contracts would need to be signed by the government. The ESMCP will enhance usability and will enable data to be sent via emergency services mobile communications.

The Committee were informed that the Service currently uses two radio systems; Airwave and the fire ground radios the latter will not be affected by the ESMCP.

Members were informed that this was a National project that wasn't mandatory, however, if the Authority did not sign up to the Scheme the Service would be unable to communicate

with other fire and emergency services and this project was a key component of the national resilience system.

Implementation of the Scheme would take place regionally and a Station Commander from Warwickshire Fire and Rescue Service would be based at West Midlands Fire Service Headquarters to work on the implementation of the scheme.

£50,000 of government funding would be provided to support the service in the implementation the Scheme, however, in the long term the Scheme would produce annual savings of £150,000 and the Scheme would be more usable.

A formal response indicating whether or not Fire and Rescue Authority's intended to migrate onto the new Emergency Services Network was required from Chief Fire Officers by 25 March 2016.

In response to a Members question, it was confirmed that a risk assessment had been carried out. The Government had run a thorough and comprehensive project over a two year period and they had scoped out and risk assessed the Scheme and had gone out to tender. It was felt that the current provider, Motorola would provide the hardware and EE would provide the network.

Resolved:-

- (1) that the expiry of the Department for Communities and Local Government's (DCLG) current contract with Airwave Emergency services mobile communications be noted.
- (2) that the cross-government Emergency Services Mobile Communications Programme (ESMCP) to replace existing mobile communication services for the emergency services be noted.
- (3) that the sign up of West Midlands Fire Service to the ESMCP be approved.

(4) That the indicative financial implications associated with the ESMCP be noted.

5/16 **Non Constituent Membership of the WMCA.**

The Committee were informed of the proposal submitted to the West Midlands Combined Authority (WMCA) seeking non-constituent membership of the Combined Authority.

The Committee noted the WMCA devolution agreement confirmed on 17 November 2015 by the Chancellor and Secretary of State; and that during December 2015 each of the seven Metropolitan Councils had voted on the devolution agreement at full council and became Constituent members of the WMCA.

Members were informed of the letter of proposal from the Clerk of the Authority which requested Non-Constituent Membership of the WMCA. The subsequent response from the WMCA offered Observer Status. The Observer Status enables full participation in the debate and work of the Combined Authority and requires an annual contribution of £25,000.

Observer status provides the Chief Fire Officer or his substitute a seat on the Officer Programme Team and the Chair or his substitute a seat on the Shadow Board (and the Board after Vesting Day). The Chief Fire Officer is also allowed to attend the Shadow Board.

The Clerk stated that membership of WMCA would allow the Authority to influence the roadmap and help with integration and alignment to WMCA.

Members of the Authority felt this was a good result and would ensure that the Authority continued to be able to put forward a robust case for the future.

The Chair confirmed that the Authority would not be able to vote but that the WMCA worked on a consensus basis and the Authority would be able to play a full part in the Board when WMCA went live in June 2016.

It was confirmed that the membership fee of £25,000 was an annual fee that all non-constituent members were required to pay and it was noted that Constituent members had paid £50,000 to enable the organisation to commence.

The Chief Fire Officer stated that the Authority would not be able to vote in matters relating to the Devo deal, but would be able to influence the WMCA through the Programme Board Public Services agenda.

Resolved that the proposal submitted to the West Midlands Combined Authority (WMCA) seeking constituent membership of the combined authority be noted.

6/16 **West Midlands Combined Authority Consultation**

The Committee acknowledge the Authority's response to the consultation recently run by the WMCA 18 January 2016 – 8 February 2016. The Consultation related to the proposed Combined Authority's role and functions and specifically about the Scheme document that was submitted to the government in December 2015.

Members discussed the recent Local Government Association Conference in Bristol and it was noted that the Fire Minister had been invited to visit Headquarters. It was also noted that the voice of the Association of Metropolitan Fire and Rescue Authorities would be invigorated.

Resolved that the response submitted on behalf of the Authority to the WMCA be noted.

The meeting closed at 1030 hours.

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906

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

Present: **Members of the Authority**
Councillor Edwards (Chair);
Councillor Idrees (Vice-Chair);
Councillors Aston, Atwal Singh, Barlow, Barrie,
Clinton, Craddock, Davis, Dehar, Eustace, Hogarth,
Miks, Mottram JP, Quinnen, Shackleton, B Singh,
Skinner, and Tranter.

Officers: **West Midlands Fire Service**
Chief Fire Officer (P Loach);
Deputy Chief Fire Officer (P Hales);
A Asif, S Barry, B Brook, P Burnham, A Ciclaire,
M Griffiths, M Pym, N Spencer, S Timmington,
S Vincent and S Warnes.

Clerk and Monitoring Officer
K Gowreesunker (Clerk)
M Dudley (Monitoring Officer)
S Sahota (Deputy Monitoring Officer)

Apologies: Councillors Afzal, Douglas-Maul, Sealey, P Singh, T
Singh, Spence, Ward and Young.
Mr Ager and Mr Bell.
Assistant Chief Fire Officer (G Taylor).

Observers: Nil

6/16 Chair and CFO's Announcements

The Chair and the Chief Fire Officer welcomed all attendees to the Policy Planning Forum.

The Chair informed members that the process to substantively appoint an Assistant Chief Fire Officer was commencing and that a report would be submitted to the Fire Authority meeting on 11 April.

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Policy Planning Forum 21 March 2016

The Chief Fire Officer informed members that he along with the Chair and the Chair of Merseyside FRS, had presented evidence to the Policing and Crime Bill Committee at the House of Commons. Following this, an invite had been extended to provide written submissions for amendments to the Policing and Crime Bill.

WMFS had spent considerable time focusing on Integrated Risk Management and the Community Safety Strategy (the new interactive version of which would be launched in April 2016) which was now paying dividends for the Service as it presents the evidence base reinforcing the service delivery model. The Chief Fire Officer thanked members for their support in enabling this.

Good progress continued to be made with regards to building on the relationships with the seven constituent members of the West Midlands Combined Authority (WMCA).

The pilot of the Telecare Falls Service in Coventry continued to go from strength to strength and it was hoped that this would be expanded into the Wolverhampton area (pilot due to commence in April) and other areas in the future.

Presentations to the Forum

The following presentation was given to the Policy Planning Forum:

- Policing and Crime Bill
- West Midlands Combined Authority
- Update on Staffing

7/16 Policing and Crime Bill

The Chief Fire Officer delivered a presentation and update on the Policing and Crime Bill:

The Policing and Crime Bill contains a requirement / duty for collaboration between Ambulance, Fire and Police. WMFS already collaborates with both organisations but there are options for further collaboration. The Bill also enables Police and Crime Commissioners (PCC's) to take on governance of FRAs subject to local consent. An

[ILO: UNCLASSIFIED]

Policy Planning Forum 21 March 2016

addition to the Bill is the proposal of a Chief Finance Officer, under a Chief Constable, presiding over a Fire fund.

In the run up to the second reading of the Bill, the Association of Metropolitan Fire and Rescue Authorities (AMFRA) galvanised and produced paper four, 'Maximising the Value of the Met FRAs', which was provided to all parties. The document was used by the Shadow Home Secretary, Andy Burnham, during the second reading of the Bill, who acknowledged the reduction in core funding of WMFS, and reiterated the views of the Metropolitan Fire and Rescue Services that large cities were now beginning to be exposed to high levels of risk.

Following the second reading, WMFS along with AMFRA had been invited to table amendments to the Bill. The Local Government Association had also tabled seven amendments.

The Policing and Crime Bill will receive a third reading and then it will move onto the House of Lords by the end of the year as part of the process to Royal Assent.

8/16

West Midlands Combined Authority

A presentation was provided to Members on the progress of the West Midlands Combined Authority (WMCA):

Ongoing positive collaborative relationships with all seven Local Authorities (constituent members of the WMCA) Leaders and Officers had resulted in the agreement for WMFS to become a non-constituent member of WMCA with 'observer' status.

This development would enable:

- Participation in developing a legislative road map for the Fire Authority to become integrated into the WMCA
- Increased involvement and influence in shaping the agenda for services to communities
- Increased ability to influence direction of the Fire Authority
- Increased opportunity to deliver wider prevention based services

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**Policy Planning Forum
21 March 2016**

9/16

through joint working and commissions.
Staffing Update

The Chief Fire Officer provided an update on staffing:

The forecasted budget reduction in February 2015 was in the region of £14m over four years. In February 2016, the provisional settlement was confirmed as £10m which remains subject to submission of an efficiency plan. The scale of efficiencies were reduced in a balanced and appropriate manner considering the impact on all areas of the organisation. This allowed the Authority to set a balanced budget for 2016/17.

The Staffing Model proposed is scalable which means the Service had initially planned a reduction of up to 300 station based posts but had now reduced this number to 154 posts.

The financial business case behind the proposed new staffing model relies on a flat rate of pay for voluntary additional shifts, enhanced with a disturbance allowance (currently set at 25%). There are no proposals to change existing and agreed overtime arrangements. The Fire Brigade's Union (FBU) dispute is that voluntary shifts should be paid at the overtime rate of time and a half. However, this is not achievable because:

- £4m is required from staffing
- Paying time and a half is not cost effective (saves £1k per post)
- Identified efficiency targets (not fully secured)
- £2m from commissioned services (not yet secured)
- Additional costs would impact other parts of the organization
- Funding reductions remain provisional

Full and meaningful engagement had been at the heart of the Service's approach to develop a new staffing model, including:

- Station and Watch engagement x 88
- Staffing Review Team sessions x 39

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Policy Planning Forum 21 March 2016

- Staffing Team presentations – Middle Managers / Service Support x 5
- Management Briefings x 3
- SET webinars to all Middle Managers x 16
- Staffing website (Forum and FAQ)
- Staffing Newsletters x 5
- Video (including CFO and Chair joint message to all staff) x 4
- CFO Updates page
- Chair's blog
- Survey briefing pack / survey results
- Brigade News
- Staffing Position Statements x 2
- CPD Event: Staffing Review and Future Options x 1

Following extensive engagement, a wide number of options were identified. Options that negatively impacted the Service Delivery Model (SDM) were not supported.

Two options were identified which would maintain the SDM and were the most suitable for staff and the organization. To fully understand the two options, a trial was proposed:

- Reduction in the Staff to Crew Ratio (S2CR): a reduced number of staff on each Watch (which was proposed by staff during early engagement)
- Merging of Watches: having a station with a reduced total number of staff operating as one team with no individual Watches

Both models maintain the SDM whilst achieving the required savings from the staffing budget.

[ILO: UNCLASSIFIED]

Policy Planning Forum 21 March 2016

Management and representative bodies have engaged throughout the development of the new staffing proposals using the agreed Employee Relations Framework. This has included a significant number of formal meetings and additional weekly meetings held outside of this recognized framework demonstrating a commitment to develop agreed solutions in a timely manner. Alongside both representative bodies, management have also engaged with NJC Joint Secretaries to explore any other options to achieve an agreement.

A management questionnaire designed to gauge the level of understanding of staff on critical issues was issued (part one sent to all staff, part two sent to station based staff). The questionnaire comprised two elements:

- A range of questions to measure the understanding of all staff within the organisation surrounding finances and the impact of budget reductions on the SDM
- To allow uniformed staff the opportunity to register interest to volunteer to undertake voluntary additional shifts with a 10% disturbance allowance

Via consultations with staff and negotiations with both representative bodies, management has revised the staffing proposal on a number of occasions. Following return from NJC Joint Secretaries, management further increased the disturbance allowance to 25%, which was accepted by the Fire Officer's Association (FOA) but rejected by the FBU.

January 2016 saw the introduction of the new staffing arrangements using the principle of Optimum Crewing Levels (OCL) to operate staffing in the most effective and efficient manner.

Due to the recruitment freeze and natural leavers, the number of station based staff has now reduced below the OCL of 1322. The new arrangements are working well with local staff managing flexibly to maintain the SDM.

A live debate was held on 6 January 2016 with the CFO, Chair and FBU representatives, to provide clarity to staff regarding the new staffing arrangements. Assurances were also provided regarding leave arrangements and shift systems.

[ILO: UNCLASSIFIED]

Policy Planning Forum 21 March 2016

The FBU balloted members of the union for industrial action. The outcome of the ballot has led to action short of strike (ASOS); effective from 3 March 2016.

With no desire to enter into a long running dispute with representative bodies, management are now at the early stages of considering further alternative options that will maintain the SDM.

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

- The ballot called by the FBU included a number of issues and did not focus solely on the issue of voluntary additional shifts
- It should be noted that the use of voluntary additional shifts was an option that had been put forward by staff during early consultation
- Management and representative bodies have met with ACAS, who suggested solutions should be identified locally and was not the sole responsibility of management, encouraging good relations and all parties working together
- The Service wants, and needs to, employ 1322 firefighters to maintain the SDM. However, funding does not allow the Service to do this at this current time. The funding position could change in many ways with potential changes in the form of future developments such as, the WMCA, forthcoming changes to business rates, etc. Proposals for alternatives to the use of voluntary additional shifts must be put forward, some of which may be considered unpalatable.

(Meeting ended at 12:30 am)

Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680

[ILO: UNCLASSIFIED]

Minutes of the Audit Committee

Item 20

11 April 2016 at 12.30 pm
at Fire Service Headquarters, Vauxhall Road, Birmingham B7 4HW

Present: Councillors T Singh, Aston, Miks, Quinnen,
Sealey and Barrie
Mr Ager (Independent Member)

Apology: Cllr P Singh

9/16 **Minutes of the Audit Committee held on 18 January 2016**

Resolved that the minutes of the meeting held on 18 January 2016, be approved as a correct record.

10/16 **Audit Committee Terms of Reference**

The Committee considered the existing Audit Committee Terms of Reference in line with the guidance from CIPFA. Following the review, it was felt that the Terms of Reference were fit for purpose and no changes had been made in the previous twelve months.

Resolved that following a review of the terms of reference that the existing terms of reference be approved.

11/16 **Internal Audit Plan 2016/17**

The Committee received the internal audit plan for the period 2016/17, together with an indicative plan covering the period 2017/18 to 2018/19. The plan would remain fluid and be kept under review and any proposed changes would be reported to the Committee for approval.

The Internal Auditor outlined the audit planning process and steps taken. The Audit Universe (a list of areas that may require auditing) is identified by a variety of methods; the strategic risk register, mandatory areas, such as the key financial systems and areas where the auditor's knowledge, managers requests and past experience are used.

Audit Committee – 18 January 2016

The CIPFA scoring methodology is used to score auditable areas as high, medium or low risk and then identify the areas where assurance will be provided in 2016/17.

- High risk areas will be audited annually,
- Medium risk may be visited once in a three year cycle
- A watching brief remains on low risk areas

Resolved that the internal audit plan for 2016/17 be approved.

12/16

Audit Plan 2015/16

Approval was sought to Grant Thornton's Audit Plan 2015/16 which set out the audit work Grant Thornton would undertake in respect of the Authority's financial statements and the delivery of its value for money conclusion on the Authority's arrangements to secure economy, efficiency and effectiveness.

The code of Audit Practice requires Grant Thornton to issue a value for money conclusion. The conclusion will be based upon the same two reporting criteria used in the 2014/15 audit, namely that the Authority has proper arrangements in place for:

- Securing financial resilience
- Challenging how it secures economy, efficiency and effectiveness in its use of resources

The Auditors have determined the overall Materiality level to be £2,368k (being 2% of gross revenue expenditure).

If any errors are identified they would be reported to Audit Committee. The Auditor would give close scrutiny to cash and cash equivalents, disclosures of officers' remuneration, salary bandings and exit packages in notes to the statements and related party transactions.

- 1) The Audit Plan set out the key phases and activities for the delivery of the audit work. The statutory deadline for submitting the 2015/16 accounts for approval by the Authority is 30 September 2016, when the auditor is required to issue the opinion and value for money conclusion. However, it is the intention to bring the process forward with the accounts being approved by the Audit Committee and the Auditor issuing the opinion and value for money conclusion by 31 July 2016. The audited 2015/16 accounts will be submitted to the Audit Committee for approved by 30 September 2016 when the Auditor aims to issue the opinion and value for money conclusion.

Audit Committee – 18 January 2016

- 2) An initial risk assessment has already been carried out and no significant risks had been identified. The Auditor proposed to address the risks associated with the Local Government Financial Settlement 2016/17, working with partners, other third parties and the Home Office during the audit of accounts.

The Interim Audit Work had not identified any areas of weakness. The fees and independence were also confirmed.

The Vice Chair thanked the Auditor for making the report clear and easy to understand.

In response to a Member's question on the Auditors reliance on internal audit of Payroll and Pension, the External Auditor confirmed that audit testing always started with Internal Audit, but they would test further if a problem was highlighted.

The Deputy Chief Fire Officer responded to a Member's enquiry about Partnership working and confirmed that the Authority faced an uncertain phase in respect of governance arrangements because of the Combined Authority and Police and Crime Bill. The Authority have secured Observer status on the Combined Authority and were continuing to move forward with Community based working.

Resolved that the Grant Thornton's Audit Plan to enable the delivery of the audit of financial statements and the value for money conclusion 2015/16 be approved.

13/16

Corporate Risk Quarter 3 Update 2015/16

The Committee received the Corporate Risk Assurance Map and noted the position statement detailing the work undertaken in support of the management of each of the Service's Corporate Risks.

Corporate Risks were those which, if they occurred, would seriously affect the Authority's ability to carry out its core functions or deliver its strategic objectives as set out in The Plan. The Authority currently had eleven corporate risks. The Corporate Risk Assurance Map summary provided a description of each risk and an overview of its rating. The position statement set out the outcomes of the regular review of each risk by the risk owner. The Committee noted the position with regard to each risk and the confidence ratings. The Committee noted that there were 7 green and 4 amber overall confidence ratings.

Audit Committee – 18 January 2016

The Committee noted that Corporate Risks 5, 6, 11 and 13 had been realigned to reflect the recent changes to the Strategic Enabling Team.

Corporate Risks 1 and 5 were still indicated as high risk due to the ongoing trade dispute and pensions dispute (this was dormant at the moment but may comeback).

A member enquired about the risk of working with partners and where it should be reported.

The Deputy Chief Fire Officer agreed this was obviously missing in the risk reporting and Officers were looking at partnerships and felt that this area of work may need its own risk. Officers were looking at all Corporate Risks and it was felt a fundamental change would be required to take account of all the possible changes in the future, including the Combined Authority.

Resolved that the Corporate Risk Assurance Map summary be approved.

14/16

Frequency of Corporate Risk Reporting to Audit Committee

The Committee received a report requesting a change in frequency for the provision of the overall corporate risk position statement updated from four times a year to twice a year. It was felt that changes are needed to the risk assurance map and the introduction of regular reports to the Committee would provide timely and specific corporate risk information.

It was proposed to reduce the frequency of corporate risk position statements reporting from four times a year to every six months. Risk reporting will be by exception with a full report every six months. Interim meetings would be used to report changes to risks and enable focused discussions on specific risks as and when they emerge in the organisation and this approach will promote and enable Members to become more aware of specific, risk critical issues in a timely way.

The Deputy Chief Fire Officer had discussed the proposed approach with both the Treasurer and Internal Auditor.

Members considered a sample of an Audit Committee briefing, however, one Member felt that it was a primary task of the Audit Committee to consider risk and would be unhappy if risks didn't appear at Audit Committee and asked that when bringing reports on particular

Audit Committee – 18 January 2016

risks that the Risk Owner attend the Audit Committee to provide further details. The Deputy Chief Fire Officer agreed to this suggestion.

Resolved:

- (a) that the change of frequency for providing the Committee with an overall corporate risk position statement update from four times a year to twice a year be approved.
- (b) That the introduction of regular reports to Committee to provide timely and specific corporate risk information as a means of keeping members fully engaged in and aware of the emerging corporate risk matters be approved.

15/16

External Audit Work Programme and Scale of Fees

The Committee noted the external audit work programme and scale of fees for the 2016/17 audit work to be undertaken by Grant Thornton UK LLP.

Grant Thornton UK LLP had been appointed to audit the Authority's accounts for a five year period from 2012/13 until 2016/17. James Cook and Emily Mayne would continue in their roles for 2016/17.

The scale of fees was set at £38,636 which is the same charge as 2015/16.

Resolved that the external audit work programme and the scale of fees for 2016/17 be noted.

16/16

Communication with the Audit Committee for West Midlands Fire and Rescue Service

The Committee received an update from the Authority's external auditors, Grant Thornton relating to the progress of the external auditors in delivering their responsibilities, which included matters that related to fraud, law and regulations, going concerns, related parties, and accounting estimates.

In answer to a Member's enquiry, Grant Thornton confirmed they were content with the responses received from the Treasurer and there was a strong dialogue with the Treasurer and Finance Manager.

17/16 **Audit Committee Update for West Midlands Fire and Rescue Authority**

The Committee received and noted an update from its external auditor which set out Grant Thornton's progress in delivering its responsibilities and a summary of emerging national issues and developments which might impact on the Authority and a number of change questions in respect of those emerging issues.

Good progress had been made with the preliminary 2015/16 Audit and the Auditor was on track to complete the final audit accounts early. The deadline had changed to July from September to reflect the early close off of account and completion of the Audit. The Annual Audit letter was planned for October 2016.

The Committee were provided with a number of challenge questions and informed of the challenges facing local government in respect of the financial settlement, a CFO Insights online tool, an invaluable tool providing focused insight to development and the evidence to support financial decisions.

Grant Thornton had published a report on Collaboration in Mental Health. The Fire Service has a dedicated member of staff working with the Mental Health Trust, Police and Ambulance Services and the Auditor agreed to provide a copy at the next meeting of the Audit committee.

18/16 **Internal Audit - Progress Report.**

The Committee noted a report from the internal auditor which detailed the progress made against the delivery of the 2015/16 Internal Audit Plan.

The information contained within the report would inform the overall opinion in the Internal Audit Annual Report at the end of the year. There was a substantial level of assurance to the end of January and there was nothing to suggest that the Authority would not receive a Qualified Opinion.

19/16 **Notes of the Pensions Board held on 8 February 2016**

Audit Committee – 18 January 2016

The Committee received the minutes of the Pensions Board meeting held on 8 February 2015. The Finance Manager had attended the meeting where the Board had received supporting information from the Payroll and Pensions Manager together with the activity levels of the Pensions Section. It was noted that following the Gad v Milne case, approximately £6.75m had been paid out on 1 February to pensioners who were affected by the outcome of this case, but that the payment received from the Department of Communities and Local Government had been late. The next meeting of the Pensions Board was scheduled to take place on 11 July 2016.

20/16 Audit Committee Work Programme 2015/16

The Committee noted its Work Programme for 2015/16.

21/16 Update on Topical, Legal and Regulatory Issues

There was no new information to be presented

(The meeting ended at 12:56 pm)

Contact Officer: Julie Connor Strategic Hub 0121 380 6906

Notes of Joint Consultative Panel

**11 April 2016
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor Clinton (Chair)
Councillor Dehar (Vice Chair)
Councillors Afzal, Douglas-Maul, P Singh, Shackleton

Apologies:

Andrew Scattergood – Fire Brigades Union (FBU)
CFO Andy Hickmott, Association of Principal Fire Officers (APFO)
Ade Robinson, Fire Officers' Association (FOA)

Employees Side:

Steve Price Hunt – Fire Brigades Unions (FBU)
John Routley – Unison

Officers:

Sarah Warnes, Strategic Enabler (People Support Services)
Wendy Browning Sampson, People Support Manager

Observer:

N/A

4/16 Declarations of Interest

There were no declarations of interest.

5/16 Notes of the Joint Consultative Panel held on 1 February 2016

The notes of the Joint Consultative Panel held on the 9 November 2016 were approved as a correct record.

6/16 Dispute Resolution Report

Wendy Browning Sampson provided an overview of the Dispute Resolution Report, the purpose of which was to inform members of the Joint Consultative Panel (JCP) about the number, type and outcomes of discipline and grievance hearings and other dispute resolution

including Employment Tribunal activity which had occurred during the period of 1 July 2015 to 31 December 2015.

A total of eight grievances had been received during the period, a slight increase on the previous reporting period. However, it was noted that such an increase was not necessarily negative and could reflect that employees are confident that such matters would be dealt with appropriately.

There had been four investigations during the period, although two of these had originated during the previous reporting period, reflecting that investigations can take time to be completed.

The Service continued to work closely with the Trade Unions including in its approach to case management. A toolkit for managers was being developed and this had been shared with the Trade Unions. People Support Services continued to report against local performance indicators (which commenced on 1 January 2015).

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

- Business Partners are Human Resources professionals who work very closely with local managers, particularly on stations, supporting managers on a number of people management issues. A pro-active approach is taken to deal with issues earlier, rather than allowing issues to escalate. Business Partners can discuss a number of issues with managers including workforce profile, succession planning, wellbeing and attendance management, encouraging the adoption of preventative measures.
- The Business Partners are split into functional areas, with each team comprising one Business Partner and one Assistant Business Partner. It was agreed that Business Partner structure plus the structure of the wider organisation was to be circulated to Members when the new municipal year commenced.
- It is not compulsory for managers to attend the 'Effective Managers Series' training programme which is provided to refresh the development given to managers across the organisation on a range of management issues including discipline and grievance, capability and attendance management. It is only mandatory for managers to attend training / development for those cases where there is a legal / statutory obligation, otherwise training forms part of an individuals personal development plan, enabling personal accountability.

- A manager will need to have received training before conducting an investigation, or would conduct an investigation accompanied by an individual who has.
- The fact that a person conducting an investigation had not received the relevant training would not be considered a weakness in a tribunal.
- Videos were available of sessions of the 'Effective Managers Series', enabling individuals to undertake the learning without physically attending. It was agreed that Members may benefit from these videos in future.
- Concerns had been raised previously by members of the Trade Unions regarding the relatively high number of disciplinary cases and the length of time it took for cases to be concluded. These concerns had been raised with the JCP resulting in Members requesting that the Service and Trade Unions worked together to resolve these issues.

Resolved:

- 1) The Business Partner structure plus the structure of the wider organisation to be circulated to Members when the new municipal year commences.
- 2) Videos of sessions of the 'Effective Managers Series' training programme to be made available to Members.

7/16 Submission of a Trade Dispute relating to a 'Failure to Agree' and 'Failure to Consult' from Fire Brigades Union in relation to the Voluntary use of Additional Shifts

The item was not presented at JCP following mutual agreement between management and Trade Unions to remove the item from the agenda.

Sarah Warnes provided an update to Members; management and Trade Union representatives had met on 8 April and both parties had agreed to work together to provide a solution. As a result, it had been agreed that the report would not be presented at JCP and a joint statement would be issued during week commencing 11 April communicating the position to staff. If discussions proved to be unsuccessful, the report would be re-submitted to JCP.

Steve Price-Hunt advised that Trade Union representatives had engaged with a Principal Officer with a view to identifying solutions that were satisfactory for their members. In the event that management were to table a solution that was considered to be acceptable, this would be taken to the Union members for consideration.

(Meeting ended at 12.30 pm)

Contact Officer: Stephen Timmington
Strategic Hub
West Midlands Fire Service
0121 380 6680

Minutes of the Appointments Committee

2nd June 2016 at 1400 hours
at Fire Service Headquarters, 99 Vauxhall Road, Birmingham

Present: Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Barlow, Clinton, Davis, T Singh, Spence,
Skinner

Apology: Councillor Young

1/16 **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 Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to any individual.

2/16 **Interview for the post of Assistant Chief Fire Officer**

The Committee interviewed one candidate for the post of Assistant Chief Fire Officer.

By a unanimous decision the Committee:-

Resolved that Mr G Taylor (presently Acting Assistant Chief Fire Officer, West Midlands Fire Service) be appointed to the post of Assistant Chief Fire Officer.

(Proceedings ended at 4.30 pm)

Contact Officer: Julie Connor Strategic Hub 0121 380 6906

**6 June 2016 at 10.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Members of the Authority
Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Afzal, Aston, Atwal Singh, Barlow, Barrie, Booth,
Brackenridge, Clinton, Craddock, Davis, Eustace, Hogarth,
Mottram, Sealey, B Singh, P Singh, T Singh, Skinner, Spence,
Tranter and Young
Mr Ager.

Officers West Midlands Fire Service
Chief Fire Officer (P Loach)
Deputy Chief Fire Officer (P Hales)
Assistant Chief Fire Officer (G Taylor)
M Griffiths (Treasurer) M Hamilton-Russell, P Shergill,
S Vincent, N Griffiths, S Barry, J Connor

Clerk and Monitoring Officer

K Gowreesunker (Clerk)
S Sahota (Deputy Monitoring Officer)

Apologies: Councillors: Allcock, Bennett, Dad, Cartwright,
M Dudley (Monitoring Officer)

Observers: M Pym

10/16 Chair and CFO Announcements

The Chair congratulated Gary Taylor on his appointment to the role of Assistant Chief Officer following the Appointment Committee held on 2 June 2016.

Councillor Kate Booth from Birmingham and Councillor Greg Brackenridge from Wolverhampton were welcomed to their first meeting following their appointment to the Authority.

Members noted that Councillor Seamus Walsh from Coventry would be returning to the Authority and Councillors Basharat Dad and Andy Cartwright had been appointed from Birmingham, Councillor Keith Allcock from Sandwell and Councillor Oliver Bennett from Walsall would be joining the Authority.

Policy Planning Forum 6 June 2016

The Chair informed Members that the Annual General Meeting was scheduled to take place on Monday 27 June at 1100 hours. The Schools Quiz Final was due to take place on Saturday 9 July at 1100 hours at Safeside and all Members were invited to attend. An email would be circulated with the details of this event.

Members were also informed of the Induction Day to be held on Monday 11 July commencing at 0930 hours at Fire Service Headquarters. This all-day meeting would include lunch and an opportunity for new members to meet the Strategic Enabling Team. All Members were asked to note the date and to attend this important meeting as it would include a number of presentations that would be of value to all Members of the Authority.

The Chief Fire Officer (CFO) also congratulated ACO Gary Taylor on his appointment and welcomed new and returning Members. The CFO looked forward to continuing the good work that had been achieved over the last twelve months including maintenance of risk based attendance, continuing with the strategy of the five minute attendance time and supporting Regional, National and International resilience.

The International Search and Rescue (ISAR) Team had recently been re-accredited and had received an Outstanding Reaccreditation for Command and Control. This was particularly pleasing as West Midlands is responsible for the Control function. The CFO would pass on the Authority's congratulations to the Team on their achievement.

It was stated that the West Midlands Fire and Rescue Authority had been confirmed as having achieved Observer Status on the West Midlands Combined Authority. The Combined Authority had appointed the Fire Service as the Lead Agency for the Troubled Individuals Project and Area Commander Simon Shilton would be taking up this important role under the leadership of ACO Taylor.

The CFO thanked all the Members and their Councils for the support the Fire Authority had received in achieving this status.

The Staffing and Fire Control dispute had been resolved and the CFO thanked ACO Taylor and his staff together with representatives of the Fire Brigades Union and Fire Officers Association for their hard work in achieving a resolution and enabling the Service to deliver the risk based attendance standard. A detailed presentation on Staffing would follow a presentation by Karen Gowreesunker, Clerk to the Authority and Strategic Enabler for Strategic Hub on Governance and potential external changes.

Policy Planning Forum 6 June 2016

11/16 The Future Governance for West Midlands Fire and Rescue Authority

Karen Gowreesunker, Clerk to the Fire Authority, welcomed Members and new Members to the Policy Planning Forum and delivered a presentation on The Future of Governance for West Midlands Fire and Rescue Authority (WMFRA).

Change is constantly on the horizon and this is the case in all that the Fire Service does and the recent move back to the Home Office is just one example and quite a significant change for fire.

The presentation outlined where the West Midlands Fire and Rescue Authority (the Authority) is at the current time and given the changes that have and are still emerging regarding pending legislation, local public service changes and the Fire Service move from the Department of Local Government and Communities to the Home Office. The presentation set out how the Authority would seek to understand how it needs to move forward as an Authority, in a way that signals the intent to conform to Home Office expectations around reform, but also maintaining its ownership of governance and commitment to service delivery for communities.

The government has made 'change' clear in the direction they are setting nationally for the public sector and more specifically for the Fire Authority across the fire sector. Amongst other things demonstrable public service reform is clearly on the agenda, as is the need for increased scrutiny, accountability and transparency of decisions made and actions taken. Theresa May's announcement on 24 May 2016 confirmed the direction for fire and rescue authorities.

The changing government landscape is complex, but provides opportunities, and there is a clear change and sense of direction from The Chief Fire Officers' Association who are working closely with the Home Office to adopt an approach for fire nationally, which will see the instigation of a National Fire Chiefs Council. A model which closely reflects the National Police Council.

From a governance perspective, the Police and Crime Bill which is expected to become an Act by December 2016, provides a police and crime commissioner with the ability to make a business case to take on the governance of fire. The Authority continues in its efforts, led by AMFRA, to influence this Bill, however to date the proposed amendments passed through Bill scrutiny committees have not been successful.

The West Midlands PCC publicly maintains an agnostic view regarding these proposed powers not revealing any definite intentions regarding a business case for WMFS.

The Combined Authority is near its vesting and the Authority have successfully secured a place at the table as an observer, to ensure its involvement and influence in discussions.

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The promise of a mayor to accompany devolution of money and powers and the existing case around the combination of fire (known as regionalisation) provides many opportunities for the Authority that will enable it to continue with the effective delivery of current and future priorities as set out in the 3 year rolling strategy, in a value for money way.

Both Shropshire and Warwickshire councils are currently non-constituent members of WMCA. Both of these cover neighbouring FRSs which have formed part of previous combination considerations. The WMCA and Mayor could mean that combination is possible in the future.

The Authority have been very clear in the relationships and alliances it has built at a political and officer level, and even more in communications, the Authority sees greater benefit from aligning to the WMCA and Mayor, to ensure the most effective approach to governance for WMFS and its communities, as well as ensuring the best platform for the delivery of services and critically the maintenance of the Service Delivery Model, which underpins everything.

The timeline below demonstrates that the pace of change is faster than ever, with the most significant milestones that will affect the journey being reached within the next 12 months:

May 2016 – Dec 2016	Jan 2017 – May 2017	June 2017 – May 2020
PCC Elections	PCC Business Case?	PCC Elections 2020?
Mayoral Candidates	CFOA change – NFCC	
Police and Crime Bill	Mayoral elections 4 May	
Devolution		
Fire Inspectorate		
OPA Peer Review		

The Police and Crime Bill is likely to become an Act later this year, which then enables the police and crime commissioner to make his business case for WMFS. This case does need local agreement but still has a route to the Secretary of State and an independent review process if agreement is not reached.

Mayoral elections for the WMCA will take place in May 2017, providing the Authority with an opportunity to influence candidates this summer prior to the Police and Crime Bill coming into an Act.

The Chief Fire Officers Association change programme will take effect from April 2017.

After these 12 months the Authority will see implementation of legislation and changing governance bodies for fire services.

Amongst these key elements Theresa May has made clear that an inspectorate will be established for fire and it is likely that this will come into effect as soon as possible.

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The Operational Assurance (OpA) Peer Review will take place in October and governance and strategic leadership will be a core element of this, providing greater central government scrutiny

The Fire Authority and Fire Service will have a number of challenges which they will need to respond to, as the government pushes its agenda forward. The Authority will need to consider how this will affect them and importantly the effective delivery of services.

The Authority will need to:

- think about how it will stay relevant in the changes taking place across the West Midlands public sector space whilst maintaining and influencing alignment to the WMCA from both a governance and. Service delivery perspective.
- maintain WMFS's identity to avoid being subsumed into the police and crime commissioner and police via a single employer model. Along with a change in this direction comes the possibility in the future that funding for fire becomes subsumed as finance will report into single chief finance officer. Assurances currently have been verbally given that this will not happen but there is still potential in future and this puts the delivery of services at risk.
- work with the PCC in the event a business case is made and demonstrate reform and change. Building on achievements made to date to show greater efficiency and effectiveness, greater accountability, transparency and scrutiny in decisions made by WMFRA to the WMCA and Mayor

There is a relatively small window of opportunity from now to the end of the year to achieve all these elements, to influence the direction and demonstrate the Authority's commitment to reform in a way that will seek to maintain and improve the delivery of its services to the community.

Accountability for fire services in the future will look quite different to what we have today. We still have an opportunity to influence what this may look like and pave the way for the future governance of WMFS to ensure we can deliver against the government agenda without losing the current democratic structure. The Authority cannot sit still.

A Year of Change is ahead and to support the Authority in this a paper will be presented at the AGM on 27 June proposing the Authority approve a 'future governance' working group.

The group will seek to understand and propose the change required to provide greater scrutiny, challenge and accountability through WMFRA, set against the context outlined above and importantly the need to deliver value for money services to the community.

The purpose will be to confirm the Authority's intention to review governance arrangements and demonstrate the Authority's commitment to progressive reform and consideration of models

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mentioned already. Ultimately the Authority will propose what the future governance arrangement for WMFS should look like.

The AGM paper will provide a lot more detail but key to the success of this working group will be a core review group of both members and external stakeholders and a 4-6 month timeline to complete the review and make recommendations to ensure that the intent around reform is demonstrated, timely and therefore relevant.

The Chair thanked the Clerk for a good overview of the latest position and felt there were three potential areas to look at: the PCC, WMCA and Fire/Fire combination which he felt was the best options for quality of service and VFM and did not wish to lose sight of this option.

The Chair stated that the Governance Working Group would enable to Authority to be ready for change and it was unlikely that the Authority will look the same in the future. He felt that it would have to change and restructure, but didn't know what it would look like in the future. The Chair felt that there would be opportunities for democratic accountability for the Authority, further Scrutiny and to champion the fire service so that he doesn't look like a small player.

Consideration would be given to the membership of the Future Governance Working Group at the AGM, and suggested it would comprise members, partner organisations and those who wish to give evidence. The Chair's ambition was to ensure that the fire service doesn't lose its identity in the future. The Authority was already a member of the Combined Authority and stated that they had a major contribution to make. The Fire Service was leading the Troubled Individuals project and providing Telecare in Coventry and Wolverhampton and were hoping to widen out its Safe and Well visits in the future. The Chair stated that the Leaders in the West Midlands appreciated the Fire Authority as a key player.

In answer to a Members question the Clerk confirmed that in Greater Manchester the Mayor has taken over responsibilities for Fire but this is not yet clear in West Midlands

Councillor B Singh stated that the new Board of PCC has a dynamic membership and wondered if this would give an indication of the direction of travel to make a business case to take over the Fire Service.

The Chair confirmed that it was difficult to say. Discussions with PCC had not provided clarity and the PCC stated that he was agnostic wanted to see how the Bill went through parliament and became an Act. However, the Home Secretary had made it clear that this is what she wanted to happen, but when the PCC gave evidence he had stated that he personally couldn't add any value to governance of the Fire Service and would not provide greater efficiency and would not wish to

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be put in a position to make a unilateral bid for the Fire Service and felt that the government should legislate for this to happen.

A final outcome would depend on the political appetite in West Midlands and it was noted that Sion Simon, MP had declared his intention to run for Mayor in West Midlands.

One Member challenged Theresa May's statement and stated that the Fire Authority were open, transparent, and democratic. Having been appointed to the Scrutiny Committee, the Member had seen evidence that the Service delivered on the Plan and wondered what more could be done against a backdrop of cuts. Response times had also been maintained and asked if the Working Group would look at other Authorities to compare if they were receiving praise and found it difficult to understand how the Fire Service could improve.

The Clerk confirmed that the Theresa May statement did recognise the reform that had taken place so far, but the government were moving in the direction of the PCC and devolution and were aiming to achieve further efficiencies through collaboration with other emergency services.

A Member stated that ten years previously the then Chair, and himself had worked well across party politics and the Fire Authority had achieved reform together. Following on from this there had been new leadership and a new Chief Fire Officer and an enormous amount of change and remarkable work had been achieved including the reduction of firefighters through natural wastage and retirement. He felt that these examples of change would bear fruit and the record would stand the Authority in good stead. However, he did feel that the Authority was too big and should be reduced, but was supportive of the Fire Authority and hoped its past record would be taken into consideration.

The Clerk confirmed that the Home Office had taken on Fire as a function and the whole of Fire Service now comes under the control of the Home Office nationally. There was an emerging situation and the Inspectorate is one area that has been confirmed. The Clerk agreed to circulate an overview of Theresa May's Statement.

It was confirmed that the Authority have built relationships, nationally and with the Combined Authority and the Authority are always promoting core services.

The Clerk confirmed the Home Office have been clear that operational roles within the Police and Fire Service will not and cannot be combined and differences would be maintained, Firefighters roles also provide prevention and found this approach is the most valuable.

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6 June 2016

The Deputy Chief Fire Officer stated that the Fire Service focus would continue with the prevention agenda and there had been a lot of change, both operationally and financially.

It was noted that one of the government's main areas of focus was on governance and increasing scrutiny, transparency and single accountability. The Policing and Crime Bill provide for this through PCCs.

The Authority would be looking at higher governance whilst focussing on the Service Delivery Model and consideration would be given to other models being used in Manchester and London but there were still a number of unknown factors.

In answer to a question, the Clerk confirmed that a Fire Inspectorate would be established, coming full circle, as the Home Office in comparing with the Police want to establish an Independent Inspectorate for fire. However, the Operational Assessment (OpA), arranged through the LGA and CFA would continue in the meantime and officers were working with the Home Office to influence the work of the Inspectorate, whilst maintaining the best of OpA.

12/16 Update on Staffing

Engagement with Representative Bodies has taken place in achieving the financial savings required to meet the £10m deficit required to meet the budget cuts.

£2m had been achieved by an increase to Council Tax and Business Rate Distribution

£1m through general budget reductions

£1m internal restructures

£2m through commissioning

£4m was required from staffing

In order to make the savings required, a New Staffing Model was suggested reducing the number of staff from 1332 down to 1168. The shift system, timings and late shifts would not be changed. Optimum Crewing Levels of five firefighters on one appliance and three on another appliance would be required. Leave would be required to be balanced and Voluntary Additional Shifts would be paid at flat rate and the disturbance allowance would increase from 10% to 25%.

Most Voluntary Additional Shifts would be carried out on home stations and travelling expenses for other stations would be capped to 10 miles.

The Staffing Model was put out to a consultative ballot and a neutral approach was taken and a positive response received.

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As at the 1 June 2016, 1236 riders were available representing 98.7% of the workforce. If all staff volunteered, they would only be required to undertake one additional shift per month. There are currently 563 volunteers who will undertake two additional shifts per month and this does not break the Working Time Directive.

Currently the Brigade have a flexible workforce who are working with the guidance and ensuring that the Optimum Crewing Level is managed. Staff are also banking shifts and paying back over the next few months. The outcome is that staff morale is also positive.

Next Steps

The staffing trial will continue until 31 March 2017. During this time rigorous planning, monitoring and evaluation will be undertaken and consideration will be given to the lessons learned during this time. An inclusive and collaborative approach will be used and collaboration will take place with the representative bodies. Station budgets will be devolved during this time and financial monitoring will continue throughout the trial.

By 2017, numbers will have reduced to 1168 and we will have a lean system that will require diligent workforce planning. The Brigade will then start to look at apprenticeships and recruitment. However, if the financial position changes in the future the Service the establishment will revert back to 1322 which will be a more stable way to deliver the Service Delivery Model.

In answer to Members questions:

- Resilience staffing will minimise the use of the disturbance allowance and as volunteers increase travelling expenses will reduce as most volunteers will attend their home stations.
- Travelling expenses would be capped to 10 miles at 45p per mile.
- The review will inform the Service if the staffing model is sustainable.
- Remote working had not been considered and the Service were continuing to use the Service Delivery Model.
- The CFO clarified the Brigade's establishment as 1322 and were temporarily reducing the level until March 2018 when it hoped to return to 1322.
- The disturbance allowance would be reviewed at the end of the year when officers had gained an understanding of the trial. Additional shifts would be paid at plain rate.

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- Leave would need to be balanced throughout the year and the minimum Optimum Crewing Level should provide for increased demand for leave during school holidays etc. The number of volunteers would enable the demands to be managed.
- It was confirmed that the current fleet availability was 98.7% and it was likely that the Brigade would experience some difficulties however, any spikes and deficits would be reported. Over the next three years appliances may reduce, but it was felt that this was an expansive position for individuals, many of whom had second jobs and it was felt that the additional shifts would be popular. There may be some deficits but it was felt that this was the best way to maintain the Service Delivery Model.
- Ultimate financial accountability lay with ACO Taylor, but each individual was also responsible and had personal accountability. The trial would only work if all individuals accepted this responsibility and if there was robust financial management.

Members congratulated Officers and Representative Bodies in reaching an agreement and enabling the staffing trial to commence.

13/16 Shared Fire Control Engagement

ACO Taylor explained that Officers had consulted with representatives from the Fire Brigade Union and Unison because agency staff were currently employed in Fire Control.

The consultation period had been compressed and an inclusive approach used to ensure there were not any long periods with no alternative proposals.

In December 2015 an alternative proposal was received from the Representative Bodies to achieve a shared outcome.

The Fire Control Governance Board is made up of Members of the Staffordshire and Stoke on Trent Fire and Rescue Authority and West Midlands Fire and Rescue Authority. The Board required the review of Fire Control to include:

- Community Focus
- Excellence in response = 4 mins 38 attendance standard
- Support to Prevention and Protection
- Balance supervision – thinned out and personal accountability
- Increased accountability
- To achieve savings of c £430k (flexibility)

Working with staff and Representative Bodies a New Staffing model was proposed to:

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- Revise the establishment to 52 staff and include Fire Control in the Service Delivery Department. To be regarded as one station and the use the same principles and guidance as the Staffing Trial.
- Reduction 12 – 13 per shift as is currently the case.
- Maintain a 4 watch system and keep the same start times – this system suits the mainly female workforce
- Use the Optimum Crew Levels (OCL)
- Flexible Rostering “Off”
If there were more staff than needed, staff would be able to bank shifts to cover short term absence
- Balanced Leave
- Reduction in middle manager posts
- Achieve savings of c £430k

Next Steps

The next steps in Developing Fire Control for the Future will use a three year rolling programme.

- Recruitment
- Revised Structure
- Address the Cultural Changes
- Home Safety Centre
- Expansion of Role
- Continue Collaboration with Representative Bodies

There are currently a number of agency and recruitment will commence to fill the positions on a permanent basis.

A new management structure will be in place in the next three months and work will commence to balance the watches.

Cultural changes will commence to address the management risks. The three staff who manage the referrals from partners in the Home Safety Centre will be integrated into Fire Control and the role will be expanded to include AFAs, Alarm receiving centres, telecare calls.

Collaboration will continue with stakeholders and Representative Bodies.

Members congratulated Officers on the fantastic work and outcomes achieved.

It was agreed to provide an update at a future Policy Planning Forum on attendance times and initiatives being used. It was also confirmed that a systematic approach of advance calls and pre-alert would be used

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The Brigade's aspiration was to bring down the attendance time to 4.30 minutes. This would require a radical rethink and Fire Control will have a huge part to play in achieving this target.

It was confirmed that 10% of fire control and crews time was used in responding to emergencies.

The Contact Centre managed 0800 calls and referrals. A significant database had been built up and they find the most appropriate time to get referrals booked.

A more reactive and dynamic approach would be used in the future with Fire Control providing a resource management centre managing high risk referrals and immediate response to fires and road traffic accidents.

The working group would include Fire Control staff and partner agencies looking at issues including vulnerable people, referrals and safe and well checks with the aim of achieving less bureaucracy and use the lessons learned from the Falls trial.

The meeting closed at 1220 hours.

<p>Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906</p>

Minutes of the Audit Committee

Item 24

**6 June 2016 at 12.30 pm
at Fire Service Headquarters, Vauxhall Road, Birmingham B7 4HW**

**Present: Councillors Aston, Sealey, T Singh and P Singh
Mr Ager (Independent Member)**

22/16 **Minutes of the Audit Committee held on 11 April 2016**

Resolved that the minutes of the meeting held on 11 April 2016, be approved as a correct record.

23/16 **Governance Statement 2015/16**

The Committee received the Authority's draft Governance Statement 2015/16.

The Governance Statement sets out how the Authority has put in place proper arrangements for the Governance of its affairs which facilitates the effective exercise of the Authority's functions and which includes arrangements for the management of risk.

The Governance Statement would be considered for approval by the Authority at its meeting on 27 June, 2016.

24/16 **Monitoring Policies on Raising Concerns at Work – Whistle Blowing Standing Order 2/20 and Regulation of Investigatory Powers Act 2000.**

Further to Minute No. 19/15 (15 June, 2015), the Committee noted the content of the Authority's Whistle-Blowing Standing Order and that there had been one allegation of whistle blowing through the Whistle Blowing Policy (SO 2/20) and this matter reached a satisfactory conclusion to all parties involved. There had been no requests received to enact the Regulation of Investigatory Powers Act 2000.

Members noted that the Whistle Blowing Standing Order was consulted on in June 2014 and published in November 2014 and would, in line with the West Midlands Fire Service's policy, be reviewed every three years. The Data Protection Act 1998 was consulted on and amended to include

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a policy on surveillance in May 2012. The policy is currently under review and in consultation. The new Data Protection Framework 2/16 is an amalgamation of Standing Order 2/16 Data Protection Act 1998 and Standing Order 2/21 Personal Information.

Resolved:-

- (1) that it be noted that there had been one allegation of whistle blowing reported through the Whistle Blowing Police (20 2/20) and this matter reached a satisfactory conclusion to all parties involved. There had not been any requests to enact the Regulation of Investigatory Powers Act 2000 in West Midlands Fire Service in the last year up to 31 March 2016.
- (2) that the content of the Whistle Blowing Standing Order 2/20 and the Data Protection Policy 1998 Standing order 2/16 be noted.

25/16 Corporate Risk Update

Further to minute 14/16 (11 April 2016) the Committee received the revised Corporate Risk Standing Order 22/7 including the changes made to the Corporate Risk reporting process.

Corporate risks were those which, if they occurred, would seriously affect the Authority's ability to carry out its core functions or deliver its strategic objectives as set out in the Plan. The Authority currently has eleven corporate risks. As part of the change to the Standing Order 22/7 the Committee received a Corporate Risk briefing focusing on Corporate Risk 11.

The briefing reflected on the Trade Dispute and Action Short of Strike and it was noted that the Briefing had been produced prior to the dispute being resolved. There had been one period of industrial action during which there had been enough staff available to meet the needs of the community. The risk register would be updated to reflect the risk.

The Committee noted that the Corporate Risk categories were currently being reviewed and would be reported back to the Audit Committee in September 2016 to include the impact of potential changes to governance.

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Resolved:

(1) that the changes to the Corporate Risk Standing Order 22/7 be approved.

(2) that the Audit Committee Corporate Risk Briefing be noted.

26/16 Annual Internal Audit Report 2015/16

The Committee received the Authority's Annual Internal Audit Report 2015/16, which detailed the work Internal Audit Service had undertaken during the year. The report indicated that as a result of this work, Internal Audit could provide reasonable assurance that the Authority had adequate and effective governance, risk management and internal control processes.

The report provided one element of the evidence that is required to underpin the Authority's Governance Statement.

A summary of the work undertaken during the year included:

- the areas subject to review during the year (Auditable Area)
- the level of risk to the Authority assigned to each auditable area (high, medium or low)
- the number of recommendations made as a result of each audit review
- details of any other work undertaken outside the original plan

The report also summarised the key control issues that had arisen during the year.

Resolved that the Annual Internal Audit report for 2015/16 be approved.

27/16 Audit Committee Update for West Midlands Fire and Rescue Authority

The Committee received and noted an update from its external auditor which set out Grant Thornton's progress in delivering its responsibilities and a summary of emerging national issues and developments which might impact on the Authority.

The external auditor drew the Committee's particular attention to Health and Safety in the Fire Service and in particular the document entitled "Health and Safety in the Fire and Rescue Service – embedding Lessons Learned".

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In relation to the associated challenge question “Are members aware of this publication and are officers responding appropriately to the learning in this document?” the Deputy Chief Fire Officer confirmed that the Authority had responded and were working with the Health and Safety Executive through Site Specific Risk Information and the Organisational Development team would also be focussing on the Health and Safety Executive.

In answer to a members’ enquiry it was confirmed that Health and Safety Performance Indicators were reported at the Quarterly Performance Review meeting followed by the Scrutiny Committee.

The external auditor also drew the Committee’s attention to a Grant Thornton report entitled “Joining up the dots, not picking up the pieces, partnership working in mental health” a summary report of Grant Thornton’s mental health collaboration summit.

In relation to the associated challenge question “Is the Authority familiar with the report?” the members felt the key messages included in the report should be widely shared.

The external audit drew the Committee’s attention to a Grant Thornton market insight report entitled “Better Together – building a successful joint venture company”.

28/16 Annual Report of the Audit Committee 2015/16

The Committee received the Annual Report of the Audit Committee 2015/16. The report detailed the business undertaken by the Committee during the 2015/16 Municipal Year.

Members requested that the Report be amended to reflect the attendance of one Member of the Committee who had been requested to attend another Committee that was running concurrently with Audit Committee.

Resolved that, subject to the amendment, as indicated above, the Annual Report of the Audit Committee 2015/16 be approved and presented to the next meeting of the Authority.

29/16 Audit Committee Work Programme 2015/16

The Committee noted its Work Programme for 2015/16 and noted that the next meeting of the Audit Committee would be on 25 July 2016 where they would be required to approve the 2015/16 Statement of Accounts.

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29/16

Update on Topical, Legal and Regulatory Issues

There was no new information to be presented

(The meeting ended at 13:30 pm)

Contact Officer: Julie Connor Strategic Hub 0121 380 6906

Minutes of the Scrutiny Committee

06 June 2016 at 12.30pm

at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Tranter (Chair);
Councillors Barrie, Young, Hogarth, B Singh,
Spence, Clinton and Skinner

Apology:

There were no apologies

Observer:

10/16 **Declarations of Interest**

There were no declarations of interest.

11/16 **Minutes**

Resolved:-

That the minutes of the meeting held on 21st March 2016, be approved as a correct record.

12/16 **Diversity Inclusion Cohesion Equality (DICE) Update**

Joanne Simmonds, People Support Manager, provided an overview of the report. Objectives have been brought into line with the Fire Services' Equality Framework.

It was noted that various events had been organised and supported by the Service such as International Womens' Day. The Service had also become a Stonewall Champion in recognition of its commitment and support for Lesbian, Gay, Bisexual, Transgender (LGBT) issues. Also extra support was being implemented for women returning to work after maternity leave.

It was noted that the Service now had in excess of 2000 Community Members and in excess of 8,000 Safe and Well visits had taken place across the West Midlands. Additionally all 790 schools were participating in the Schools Safety challenge.

A Member enquired about recruitment of minority groups and whether the Service would stand up to scrutiny in respect of recruitment of minority groups.

The Service had initiatives in place to encourage recruitment from underrepresented groups, for example Taster Days, and was in a position to resume a recruitment campaign.

A Member enquired about facial hair and the wearing of turbans. The Service is aware that the Asian Fire Services' Association and the Health and Safety Executive that the critical issue was around the integrity of the fire helmet seal.

Members would be informed when the recruitment campaign commences.

A Member stated that flexible working alone did not necessarily recognise the specific needs for carers. The Service would investigate this further.

It was noted that the Service had a strategy for Apprentices and that it was being developed. The Service currently employs a number of Apprentices.

A Member enquired whether enough was being done to publicise Safe and Well checks.

Resolved: -

That progress by the Service detailed in the report be noted.

13/16

Analysis of Progress of Quarterly Performance Against the Plan quarter 4 2015/16

Gary Taylor Assistant Chief Fire Officer presented an overview of the report.

- PI 1 The risk based attendance standard was 4 minutes 47 seconds, with the continued use of the Business support vehicles this remains positive.
- PI 4 and 6 The number of deaths from accidental dwelling fires were down and Safe and Well checks in excess of targets.
- PI 5 The percentage of Home Safety Checks remained a red rating due to a target of 40% not being met. A partnership review was underway to ensure that this was not artificially high and that we were still working with the right partners.
- PI 10 There has been the highest numbers of arson vehicle fires since 2011/12 (725 against a target of 549-641) with a disproportionate figure for Sandwell.
- PI 14 The number of false alarms due to fire alarm equipment has remained over performance against the tolerance levels as a result of the effective implementation of Business Support Vehicles.
- PI 18 -25 The number of employees that have disclosed disabled status has increased by 13% to 88% but is still below tolerance level It was noted that staff can opt for “prefer not to say” as an option and confirmed that It is therefore realistic to set a target of 100%.
- PI 22 The number of RIDDOR injuries were 22 against a target of 18. This is due to the reporting changing to an average of every three years.
- PI 23 Fuel efficiencies were greater with lower emissions generally and this was due to the Brigade Response Vehicles being more fuel efficient.

A Member enquired about drowning awareness

It was the intention of the Service to run prevention based activities for Drowning Awareness Week (18-25th June 2016)

Resolved:-

- 1) That the Committee noted the status of the Service's Key performance indicators in the fourth quarter 2015/6.
- 2) That the Committee noted the progress made in delivering the three strategic objectives contained in the Plan 2015 -2018
- 3) That the Committee noted the Aspire view performance information system update.

14/16 **Annual Report of the Scrutiny Committee 2015/16.**

Resolved:-

That the report be submitted to the Fire Authority.

15/16 **Scrutiny Committee Work Programme 2015/16**

Resolved:-

That Committee noted the progress of the work programme for 2015/16.

(Meeting ended at 13:44 pm)

Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680
