

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

21 JUNE 2021

1. DECISIONS TAKEN UNDER 'MATTERS OF URGENCY'

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT Members note the decisions taken and approved under 'Matters of Urgency' during the period of the Covid-19 pandemic when the West Midlands Fire and Rescue Authority (WMFRA) meeting was postponed.

The decisions were:

1. Procurement Policy
2. Planned Procurement 2021/22
3. Statement of Assurance 2019/20
4. Pay Policy Statement 2021/22
5. Corporate Performance Indicators 2021/22

2. PURPOSE OF REPORT

- 2.1 This report is submitted to confirm retrospectively the five decisions taken and approved under 'Matters of Urgency' whilst the WMFRA meeting was postponed during the Covid-19 pandemic.

3. BACKGROUND

- 3.1 Following the notification of a major incident being declared across the West Midlands and Warwickshire by West Midlands Police (Thursday, 19th March 2020) in response to the Covid-19 pandemic, some of the full WMFRA and its Committee meetings were cancelled to enable a full focus on business continuity arrangements. The exception was the Audit and Risk Committee which is a Statutory Committee.

- 3.2 The WMFRA operated within the auspices of new legislation; The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 came into force on 3 April 2020 and expired on 7 May 2021. The legislation enabled WMFRA (as a local authority) to hold and alter the frequency and occurrence of statutory meetings without requirement for further notice (Regulation 4) and make provision for Councillors/Members of WMFRA to attend meetings remotely (Regulation 5). Attendance at meetings was permissible via audio link, if video link was unavailable. The WMFRA met weekly for online briefings from the Chief Fire Officer (CFO) on business continuity planning during the response phase of the pandemic. This progressed to monthly online briefings through Policy Planning Forum during the recovery phase of business continuity, The Fire Authority met on three occasions and the Audit and Risk Committee met on four.
- 3.3 The Constitution of WMFRA makes provision for required decisions that cannot be postponed being considered under Standing Order 17.1 'Arrangements to Act in Matters of Urgency'. This order provides the CFO with the delegation to make urgent decisions in consultation with the Chair and Vice Chair. This approach was implemented primarily to enable officers to focus on Business Continuity Planning for the Covid-19 pandemic, thereby reducing the impact on officer capacity.

4. **PROCUREMENT POLICY**

- 4.1 The report sought the approval to amend Policy 1/8 Procurement Procedures.
- 4.2 The Policy has been reviewed in line with the UK leaving the European Union. The Cabinet Office has issued two Procurement Policy Notes which have been incorporated into the Authority's Procurement Policy. The main changes are:
- a change to the existing public procurement regulatory regime is that from 2300 hours on 31 December 2020, new UK public procurement opportunities will need to be published on the UK e-notification service called Find a Tender service (FTS). The FTS means new UK opportunities will no longer be sent to the Official Journal of the European Union (OJEU) or Tenders Electronic Daily (TED).

- the UK's exit from the EU means that additional freedoms, in relation to contract spend on goods, services and works contracts with a value below the public procurement threshold are available
- other changes to the Procurement Policy include replacing reference to the 'EU Directive' with 'Public Contracts Regulations 2015' and 'EU Threshold' with 'Public Procurement Threshold'.

It was RECOMMENDED:

That the Chief Fire Officer approve the revised Procurement Procedures Policy attached as Appendix 1 to this report.

The decision was made in accordance with Standing Orders by the Chief Fire Officer in consultation with the Chair, Vice Chair, Opposition Leader and Clerk to WMFRA. The decision was reported to the WMFRA Policy Planning Forum of 01 March 2021. It was resolved that the resolution be reported to the next ordinary meeting of the Fire Authority.

5. **PLANNED PROCUREMENT 2021/22**

- 5.1 The report was submitted to provide the rationale for the planned tender exercises and included the proposed route to market and funding provision as per Procurement Policy 1/8.
- 5.2 The Authority's Procurement Procedure requires a preliminary report to be submitted to the Authority for approval prior to the commencement of any tender exercise detailing the rationale for the procurement, the proposed route to market and the funding provisions. It should also be noted that the proposed tender exercise contained within the report can be supplemented with further reports to the Authority prior to the award of contract if requested by Members.

It was RECOMMENDED:

That the Chief Fire Officer give approval to proceed with the following tender exercises for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2021/22:

1. Roofing works
2. Reactive repairs framework agreement
3. Breathing apparatus sets
4. Pension system
5. Smoke alarm framework agreement
7. Air conditioning alterations
8. Leadership and development programme

The decision was made in accordance with Standing Orders by the Chief Fire Officer in consultation with the Chair, Vice Chair, Opposition Leader and Clerk to WMFRA. The decision was reported to the WMFRA Policy Planning Forum of 1 March 2021. It was resolved that the resolution be reported to the next ordinary meeting of the Fire Authority.

6. **STATEMENT OF ASSURANCE 2019/20**

- 6.1 The Fire and Rescue National Framework for England published in May 2018 sets out a requirement for Fire and Rescue Authorities to review and publish a 'Statement of Assurance' on an annual basis. The requirement is contained within Chapter 4 of the Framework which focuses on governance.
- 6.2 In line with this expectation, the Authority's Statement of Assurance (attached as Appendix 1) has been reviewed for the year 2019-20 and submitted for approval.
- 6.3 The 'Guidance on statements of assurance for Fire and Rescue Authorities in England' issued by the Government in May 2013 remains current. The guidance stipulates the content of a Statement of Assurance.

The following three key areas must form part of any Statement of Assurance:

- Financial
- Governance
- Operational

- 6.4 Additionally, the guidance states that Fire and Rescue Authorities may wish to include a section on any potential improvements they have identified across their accounting, governance, or operational responsibilities to communities. Therefore, a section entitled

'Future Improvements' has been included in keeping with the guidance and as per previous iterations of the Authority's Statement of Assurance.

It was RECOMMENDED:

That the Chief Fire Officer approves the Statement of Assurance 2019-20 attached as Appendix 2 to this report.

The decision was made in accordance with Standing Orders by the Chief Fire Officer in consultation with the Chair, Vice Chair, Opposition Leader and Clerk to WMFRA. The decision was reported to the WMFRA Policy Planning Forum of 29 March 2021. It was resolved that the resolution be reported to the next ordinary meeting of the Fire Authority.

7. **PAY POLICY STATEMENT 2021/22**

7.1 The Section 38 (1) of The Localism Act 2011 requires Fire and Rescue Authorities to produce a Pay Policy Statement for each financial year.

7.2 A Pay Policy Statement is expected to comply with the following elements:

- a relevant Authority must prepare a Pay Policy Statement for each financial year.
- a Pay Policy Statement for a financial year must set out the Authority's policies for the financial year relating to the remuneration of its Chief Officers.

A Pay Policy Statement for a financial year may also set out the Authority's policies for the financial year relating to the other terms and conditions applying to the Authority's Chief Officers.

It was RECOMMENDED:

That the Chief Fire Officer approves the Pay Policy Statement for the financial year 2020/2021 attached as Appendix 3 to this report.

The decision was made in accordance with Standing Orders by the Chief Fire Officer in consultation with the Chair, Vice Chair, Opposition Leader and Clerk to WMFRA. The decision was reported to the WMFRA Policy Planning Forum of 29 March 2021.

It was resolved that the resolution be reported to the next ordinary meeting of the Fire Authority.

8. APPROVAL OF CORPORATE PERFORMANCE INDICATORS 2021/22

- 8.1 The WMFRA discusses and approves annually the Corporate Performance Indicators by which the Service will measure its performance against the priorities published in its three-year rolling strategy.
- 8.2 The Service, despite operating under Business Continuity Plans, was seeking to fulfil its responsibilities and Service Delivery Model to its communities. The impact of the Covid-19 pandemic upon performance could not be adequately measured without the identified performance targets (based on a three-year average of previous performance) being in place. Such an approach supported the process of graduated tolerances for performance introduced in 2017/18. The future reporting to both Scrutiny Committee and Audit and Risk would be detrimentally affected without the continuity of systems of measuring performance.

It was RECOMMENDED:

That the Chief Fire Officer approves the Corporate Performance Indicators (PIs) and targets for 2021/22 as set out in Appendix 4 to this report.

The decision was made in accordance with Standing Orders by the Chief Fire Officer in consultation with the Chair, Vice Chair, Opposition Leader and Clerk to WMFRA. The decision was reported to the WMFRA Policy Planning Forum of 17 May 2021. It was resolved that the resolution be reported to the next ordinary meeting of the Fire Authority.

9. EQUALITY IMPACT ASSESSMENT

In preparing this report a full Equality Impact Assessment has not been undertaken.

10. LEGAL IMPLICATIONS

There are no legal implications associated to this report.

11. **FINANCIAL IMPLICATIONS**

There are no direct implications arising from this report. The Authority's budget for 2021/22 supports the delivery of the priorities, strategic objectives, and outcomes.

12. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

BACKGROUND PAPERS

West Midlands Fire and Rescue Authority 15 February 2021 'The Plan 2021-24

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CHIEF FIRE OFFICER