

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

21 JUNE 2021

1. GOVERNANCE OF THE AUTHORITY 2021/2022

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT the Authority approve the amendments proposed to the Constitution as set out in this report in relation to:
 - 1.1.1 refine wording of the Article 6, CFO exemption to budget matters for Authority, paragraph 6.2.3 to enable clarity of the circumstances and decisions for the application of this delegation - Appendix 1.
 - 1.1.2 amending the Scrutiny Committee terms of reference to align to the pre and post scrutiny definitions agreed by Fire Authority in October 2020 – Appendix 2.
 - 1.1.3 amend Standing Order 17, Arrangements to Act in Matters of Urgency to align to current practice - Appendix 3.
 - 1.1.4 Amend the terms of reference for the Collaboration and Transformation Committee, removing the requirement for membership to be proportionate of the membership of the Authority – Appendix 4.
- 1.2 THAT the calendar of meetings for 2021/22 as set out in Appendix 5 be approved.
- 1.3 THAT no increase be made in Members' Allowances in 2021/22 by way of indexing or otherwise;

- 1.4 THAT the Members' Allowances Scheme for 2021/22 as set out in Appendix 6, be approved.
- 1.5 THAT the Clerk be authorised to make and publish any necessary consequential amendments to constitutional documents in the light of decisions made regarding governance arrangements for 2021/22 in consultation with the Chair, Vice Chair and CFO.

2. **PURPOSE OF REPORT**

This report is submitted for the Authority to determine its governance arrangements for 2021/22.

3. **BACKGROUND**

Governance arrangements during the COVID pandemic

- 3.1 In response to the major incident which was instigated in the West Midlands on the 19th March 2021 due to the COVID pandemic, the CFO and Strategic Enabling Team formed as the Business Continuity Management Team (BCMT). This was to enable a clear focus on responding to the pandemic, ensuring the safety of staff and the most effective delivery of services to communities, whilst also ensuring their safety in the delivery of services.
- 3.2 This impacted on the Authority's "business as usual" as The Authority took the decision to pause Authority and Committee meetings to enable BCMT to focus on the delivery of operational matters, supporting the delivery of local priorities throughout the pandemic.
- 3.3 During the initial period of lockdown the Authority invoked Decision under Matters of Urgency (Section 17.1 Authority Standing Orders) enabling the continuity of decision making by the Chief Fire Officer and Chair of the Authority on items of strategic importance.
- 3.4 Arrangements were made for Authority Members to be kept informed using weekly Authority Covid-19 briefings via video conferencing. During 2020/21 the Authority held Authority and Statutory Committee meetings virtually, in accordance with the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) Regulations 2020, published by the Government allowing participation by remote attendance, during the period that physical meetings were not permitted.

- 3.5 Amendments to the constitution were approved by the Authority in October and December 2020.
- 3.6 Whilst Authority and Committee meetings have been paused during the Authority year 2020/21, the regular Covid 19 briefings which moved to Policy Planning Forums in September 2020 provided Members with strategic oversight of progress against business continuity objectives as well as delivery of the Authority's Strategy.
- 3.7 Fire Authority meetings will recommence as per the committee schedule set out in paragraphs 3.9-3.13 of this report from September 2021 onwards.

Constitution review

- 3.8 Following the review of the Authority's constitution and CFO delegations in October 2020, further refinements are now proposed to enable clarity in the application of:
- 3.8.1 the CFO delegation to approve spend in excess of £250,000 in exception circumstances. This delegation is aligned to Article 6, paragraph 6.2.3, budget matters for Authority. Proposed refined wording as set out in Appendix 1 highlights this exemption can be applied against 'operational decisions which require immediate approval, to ensure the Authority is effectively managing risk to its communities and ensuring public safety.'
- 3.8.2 Article 9, Scrutiny Committee Terms of Reference proposed amendments are to adjust the article aligned to the agreed definitions of Pre and Post Scrutiny. Appendix 2 highlights proposed changes through a comparison of the current and proposed Article.
- 3.8.3 Standing Order 17, Arrangements to act in Matters of Urgency, where amendments are proposed to reflect current practice in Appendix 3.
- 3.8.4 Article 8, Collaboration and Transformation Committee, Appendix 4, proposed amendments are to remove the following requirement: the membership of the Committee will be such members of the political groups represented on the Authority as are appointed in proportion to their

representative allocation under the Local Government and Housing Act 1989 and the political group regulations.

Programme of Meetings

- 3.9 As set out above in paragraphs 3.1-3.7 the 2020/21 Authority year has operated primarily under Matters of Urgency, with three Authority meetings undertaken during October, December and February and the continuation of statutory committees.
- 3.10 There have been four Audit and Risk Committee meetings during 2020/21 which have been arranged to enable financial timelines required or approval of the Statement of Accounts at the end of July 2021.
- 3.11 During 2020/21 Scrutiny and Collaboration Committee meetings were paused due to the operational demands of the Covid 19 pandemic. However as set out earlier in this report the regular briefings with Members which were weekly at the height of the pandemic enabled continued scrutiny and oversight of performance and collaboration with partners in meeting the needs of those most vulnerable in West Midlands communities. These meetings will recommence in September 2021.
- 3.12 Joint Consultative Panel meetings have not been held and these will recommence in September 2021.
- 3.13 A proposed programme of meetings for 2021/2022 is attached for approval as Appendix 5.

Members' Allowances Scheme

- 3.14 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.
- 3.15 The members allowance scheme does not allow for indexing beyond 1 April 2011. The member allowance scheme was reviewed by an Independent Review Panel and a report presented to the Authority in November 2018. Despite the outcomes of the review the Authority agreed to maintain its current members' allowance

scheme for 2019/20. This scheme continues for 2021/22.

- 3.16 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.
- 3.17 The members' allowances scheme is attached for approval as Appendix 6.
- 3.18 The governance structure is unchanged.

Member Role Descriptions

- 3.19 The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. There have been no changes to role descriptions within the constitution for 2021/22.

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

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, Local Government Act 1985 and the Local Government and Housing Act 1989.

6. FINANCIAL IMPLICATIONS

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

Fire Authority Meeting February 2021
Fire Authority Meeting October 2020
Fire Authority Meeting December 2020

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

Karen Gowreesunker
CLERK to the Authority

Satinder Sahota
Monitoring Officer

2020/21 Exemption to Authority expenditure limit:

Article 6, paragraph 6.2.3, budget matters for Authority

The CFO can exceed the £250k expenditure limit in exceptional circumstances, specifically in relation to operational incidents, where a risk based assessment identifies the need to acquire specific resources in excess of £250k. The CFO is to provide a retrospective report to the Authority setting out the decision making considerations and the associated expenditure incurred in such instances.

Proposed for approval:

Aligned to 6.2.3, budget matters for Authority, the CFO can exceed the £250k expenditure limit in exceptional circumstances. **These exceptional circumstances would align specifically to operational decisions which require immediate approval, to ensure the Authority is effectively managing risk to its communities and ensuring public safety. A risk based assessment will be undertaken which to support the need for this exemption to be applied in a timely manner.** The CFO will retrospectively **agree reporting requirements with the Chair to the Authority and Vice Chair.**

APPENDIX 2

2020/21 Scrutiny Terms of Reference:

Article 9 - Scrutiny Committee

9.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives. The committee ensures that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

The main purpose of the scrutiny function is to:-

- i) Inform Policy Development
(i.e. pre-decision scrutiny - to provide a political steer before a decision is taken/implemented. The Committee may do this by calling in matters considered at the Policy Planning Forum stage.)
- ii) Hold Officers and the Service to Account
(i.e. the Committee may examine decisions that have already been implemented and may call upon officers to respond to its enquiries.)
- iii) Hold the Authority to Account
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon relevant members to respond to its enquiries.)
- iv) Conduct Reviews into Specific Issues
(i.e. the Committee will identify matters that it wishes to conduct reviews into and call the relevant officers and members to assist it in carrying out those reviews.)

In carrying out its role the Committee will undertake pre and post scrutiny reviews as appropriate and aligned to the following definitions:

- Pre scrutiny enables changes proposed to strategic policy decisions to be scrutinised. These are decisions which if implemented, would change the strategic priorities and outcomes agreed by the Fire Authority (for example, matters contained in Authority 'forward plan' for approval).

- Post scrutiny enables the Fire Authority to seek assurance around operational decisions already made by the CFO and other officers in the delivery of strategic priorities and outcomes (for example: training, partnership working).

9.2 Role and Functions

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 Authority.

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

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 Risk Management Plan and 'The Plan', the objectives and priorities and corporate performance indicators and review performance targets.

To review and scrutinise strategic performance information of the Shared Fire Control on a biannual basis.

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, 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, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

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.

Proposed for approval:

Article 9 - Scrutiny Committee

9.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives. The committee ensures that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

Effective scrutiny frameworks will be in place for both the scrutiny of strategic policy, as well as performance. Aligned to the role of the Fire Authority and CFO as set out in articles 4 and 5 of this constitution, the scrutiny function should scrutinise decisions made or to be made, on the basis of 'public safety' aligned to the following definitions:

- **Pre scrutiny** enables changes proposed to strategic policy decisions to be scrutinised. These are decisions which if implemented, would change the strategic priorities and outcomes agreed by the Fire Authority (for example, matters contained in Authority 'forward

plan' for approval). Pre scrutiny can:

- i) inform policy development and/or
 - ii) hold the Authority to account.
- **Post scrutiny** enables the Fire Authority to seek assurance around operational decisions already made by the CFO and other officers in the delivery of strategic priorities and outcomes (for example: training, partnership working). Post scrutiny can
 - i) scrutinise performance of specific issues and/or
 - ii) hold officers to account.

9.2 Role and Functions

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 Authority

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

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 Risk Management Plan and 'The Plan', the objectives and priorities and corporate performance indicators and review performance targets.

To review and scrutinise strategic performance information of the Shared Fire Control on a biannual basis.

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, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.

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In order to allow for separation of the Scrutiny and decision-making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

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.

APPENDIX 3

2020/21 Standing Order 17

17. Arrangements to Act in Matters of Urgency

- (1) The Authority shall make arrangements for its function to be discharged, in cases of urgency, as follows:-
 - (a) by delegation to the Executive Committee which shall deal with all matters of an urgent nature which cannot be reasonably delayed until the next ordinary meeting of the Authority or appropriate Committee;
or
 - (b) in cases of extreme urgency, by delegation to the Chief Fire Officer.

This Standing Order shall not apply to the functions which are properly undertaken by the Appointments, Standards and Appeals Committee, or the Audit and Risk Committee.

- (2) Where the Chief Fire Officer proposes to act on a matter of urgency, such action must be within approved Authority policy. The Chief Fire Officer proposing to act under these arrangements must:-
 - (a) seek the agreement of the Clerk that he/she is satisfied that the matter in question constitutes a genuine matter of urgency, that all other avenues for the determination of the matter have been exhausted and that the urgency has not arisen due to a failure to finalise reports in time under normal procedures;
 - (b) consult the Chair and Vice-Chair of the Authority on the action the Chief Fire Officer proposes to take.
- (3) The Chief Fire Officer concerned shall record the urgent circumstances which make it necessary for action to be taken before the next ordinary meeting of the Authority or relevant Committee concerned.
- (4) Where action is taken under any of these circumstances, a report of that action, including a note of the circumstances which made it necessary, must be reported to the next ordinary meeting of the Authority.

Proposed for approval

Standing Order 17 - Arrangements to Act in Matters of Urgency

- (1) The Authority shall make arrangements for its function to be discharged, in cases of urgency, as follows:-
 - (a) By delegation to the Chief Fire Officer where matters of an urgent nature cannot be reasonably delayed, until the next ordinary meeting of the Authority, or appropriate Committee,

This Standing Order shall not apply to the functions which are properly undertaken by the Appointments, Standards and Appeals Committee, or the Audit and Risk Committee.

- (2) Where a Chief Fire Officer proposes to act on a matter of urgency, such action must be within approved Authority policy. A Chief Fire Officer proposing to act under these arrangements must:-
 - (a) seek the agreement of the Clerk that he/she is satisfied that the matter in question constitutes a genuine matter of urgency, that all other avenues for the determination of the matter have been exhausted and that the urgency has not arisen due to a failure to finalise reports in time under normal procedures;

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- (b) consult the Chair and Vice-Chair of the Authority on the action the Chief Fire Officer proposes to take.
- (3) The Chief Fire Officer concerned shall record the urgent circumstances which make it necessary for action to be taken before the next ordinary meeting of the Authority or relevant Committee concerned.
- (4) Where action is taken under any of these circumstances, a report of that action, including a note of the circumstances which made it necessary, must be reported to the next ordinary meeting of the Authority.

2020/21 Collaboration and Transformation Committee

Article 8 – Collaboration and Transformation Committee

- 8.1 The Authority has established and Collaboration and Transformation Committee of 7 members. The membership of the Collaboration and Transformation Committee will be such members of the political groups represented on the Authority as are appointed in proportion to their representative allocation under the Local Government and Housing Act 1989 and the political group regulations.
- 8.2 Role and Functions:-
To support the Fire Authority's role and responsibility with regards to: The strategic development and assurance of transformational collaborative working agreements (up to implementation) aligned to the 'Duty to Collaborate' (Policing and Crime Act 2017) and/or the delivery of the Authority' Strategy, The Plan.
- 8.3 Findings and recommendations of the Collaboration and Transformation Committee are to be submitted to the Authority by the Chair of the Governance and Transformation Committee.
- 8.4 To submit its minutes to the Authority.

Proposed for approval

Article 8 – Collaboration and Transformation Committee

- 8.1 The Authority has established and Collaboration and Transformation Committee of 7 members. ~~The membership of the Collaboration and Transformation Committee will be such members of the political groups represented on the Authority as are appointed in proportion to their representative allocation under the Local Government and Housing Act 1989 and the political group regulations.~~

- 8.2 Role and Functions:- To support the Fire Authority's role and responsibility with regards to: The strategic development and assurance of transformational collaborative working agreements (up to implementation) aligned to the 'Duty to Collaborate' (Policing and Crime Act 2017) and/or the delivery of the Authority' Strategy, The Plan.
- 8.3 Findings and recommendations of the Collaboration and Transformation Committee are to be submitted to the Authority by the Chair of the Governance and Transformation Committee.
- 8.4 To submit its minutes to the Authority.

APPENDIX 5

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

CALENDAR OF MEETINGS 2021/22

Date	Time	Meeting
<u>2021</u>		
JULY		
Monday 26 July	10.30	Audit & Risk Committee
<i>(May change to 19 July – To be confirmed)</i>		
Tuesday 27 July	10.30 10.30	Scrutiny Committee
SEPTEMBER		
Monday 6 September	10.30	Collaboration & Transformation Committee
Friday 10 September	15.00	Pension Board
Monday 20 September	10.30 12.00	Chair's Agenda Meeting Policy Planning Forum
Monday 27 September	10.30	Audit & Risk Committee
OCTOBER		
Monday 4 October	11.00	Authority [political groups at 10 am]
Monday 18 October	11.00	Policy Planning Forum
NOVEMBER		
Monday 1 November	10.30	Scrutiny Committee
Monday 8 November	11.00 14.00	Policy Planning Forum Audit & Risk Committee
Monday 29 November	10.30 12.00	Chair's Agenda Meeting

	14.00	Policy Planning Forum Joint Consultative Panel [pre meeting tbc]	
Date	Time	Meeting	Time
DECEMBER			
Friday 10 December	15.00	Pension Board	
Monday 13 December	11.00	Authority [political groups at 10 am]	
2022			
JANUARY			
Monday 10 January	11.00	Policy Planning Forum	
Monday 24 January	10.30	Joint Consultative Panel (pre meeting tbc)	
Monday 31 January	10.30 12.00	Chair's Agenda Meeting Policy Planning Forum	
FEBRUARY			
Monday 14 February	11.00	Authority [budget and precept setting] [political groups at 10 am]	
	13.00	Scrutiny Committee	
Monday 28 February	11.00	Policy Planning Forum	
MARCH			
March	TBC	Pension Board	
Monday 21 March	10.30	Audit & Risk Committee	
Monday 28 March	11.00	Policy Planning Forum	
APRIL			
Monday 11 April	10.30	Joint Consultative Panel [pre meeting tbc]	
Monday 25 April	11.00 13.00	Policy Planning Forum Collaboration & Transformation Committee	

MAY		
Monday 16 May	11.00	Policy Planning Forum
Monday 23 May	10.30	Scrutiny Committee
JUNE		
June	TBC	Pension Board
Monday 6 June	12.00 14.00	Policy Planning Forum Audit & Risk Committee
Monday 13 June	10.30	Chair's agenda meeting
NEW MUNICIPAL YEAR Monday 27 June	11.00	Authority [Annual Meeting] [political groups at 10 am]

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

APPENDIX 6

Schedule 1

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Schedule of Special Responsibility Allowances 2021/2022

Responsibility	SRA (£)
Chair	24,500
Vice-Chair	12,250
Leader of Principal Opposition Group	7,350
Collaboration and Transformation Chair	8,575
Collaboration and Transformation Vice Chair	6,575
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, Standards and Appointments Chair	8,575
Appeals, Standards and Appointments Vice-Chair	3,975
Audit and Risk Committee Chair	8,575
Audit and Risk Committee Vice-Chair	3,975
Elected Member Basic Allowance	3,500
Independent's allowances	
Independent Member of the Audit Committee	350