

Minutes of the West Midlands Fire and Rescue Authority

**25 June 2018 at 1100 hours at
Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor John Edwards (Chair)
Councillor Zafar Iqbal (Vice Chair)
Councillors Aston, Barrie, Barlow, Brackenridge,
Craddock, Dehar, Hogarth, Iqbal, Miks, Spence,
Tranter, Young, Walsh

Mr M Ager, Independent Member

Visitor: Janette Morris, Liaison Officer, HMCIPFS
Birmingham Mail Representative

36/18 Apologies for Absence

Councillor Jenkins

37/18 To Elect the Chair of the Authority for the ensuing year

Resolved that Councillor Edwards be elected Chair of the Authority for the period ending with the annual meeting in 2019.

38/18 To Elect the Vice Chair of the Authority for ensuing year

Resolved that Councillor Iqbal be elected Vice Chair of the Authority for the period ending with the annual meeting in 2019.

39/18 **Declarations of Interest in contracts or other matters**

Councillor Edwards declared a non-pecuniary interest in Minute No. 44/18 Governance of the Authority and Minute No. 50/18 Monitoring of Finances.

Councillor Brackenridge declared an interest in Minute No. 50/18 Monitoring of Finances in respect of the Firefighters' Pension Scheme.

40/18 **Chair's Announcements**

The Chair thanked everyone for electing him as Chair, possibly for the final year before the move to the Combined Authority.

The Chair welcomed the new Members:

Councillor Kerry Jenkins – Birmingham
Councillor Zafar Iqbal – Birmingham
Councillor Jas Dehar – Wolverhampton

and welcomed the Members who had survived “the cull” of the Authority to the leaner and fitter Reformed Fire Authority. The Chair stated that this would be the last year of the Fire Authority before the governance move towards the Elected Mayor. The Order was awaiting confirmation from the Home Office, but had received approval from the Authority, West Midlands Combined Authority and the Elected Mayor. Discussions were ongoing with the Home Office and the Combined Authority but the move was on target to take place in Spring 2019.

A new Governance and Transformation Committee had been introduced to deal with the details of the move.

Members requested that the Members' Awareness Day scheduled for the 9 July 2018 be rearranged due to the unavailability of some members.

Members were reminded of the Fire Control Governance Board scheduled to take place on the 9 July 2018 at 1400 hours at West Midlands Fire Service Headquarters.

Members noted the first meeting of the newly named Audit and Risk Committee would take place on Monday 23 July 2018 at 1030 hours.

It was noted that the LGA Conference would be taking place in Birmingham on 3 – 5 July 2018.

Members were requested to complete new Declarations of Interest Forms and return to the Democratic Services Officer.

Members were also requested to complete new CMIS forms and return to the Democratic Services Officer.

New Members were asked to complete their Payroll Form.

41/18 **Minutes of the Fire Authority held on 16 April 2018**

Resolved that the minutes of the Fire Authority meeting held on 16 April 2018, be confirmed as a correct record.

42/18 **Membership of the Authority 2018/19**

The Clerk reported on the membership of the Authority 2018/19 and confirmed that Co-opted Members would be appointed following approval of agenda item no 45/18.

43/18 **Questions on the Discharge of Functions**

Resolved that the following Councillors be nominated under Section 41 of the Local Government Act 1985, to answer questions raised in the course of proceedings of constituent councils on the discharge of the Authority's functions:

	<u>Lead Councillor</u>	<u>Substitute Councillor</u>
Birmingham	Iqbal	Jenkins
Coventry	Walsh	Miks
Dudley	Aston	Barlow
Sandwell	Edwards	Tranter
Solihull	Hogarth	
Walsall	Craddock	Young
Wolverhampton	Brackenridge	Dehar

44/18 **Governance of the Authority 2018-19**

The Authority considered a report on the governance and reformation of the Fire Authority, through the creation of "The Fire and Rescue Authority (Membership) Order 2017", amendments to the Constitution including the structure and membership of all Committees together with the Terms of Reference. The report set out:

Article 2 Members of the Authority be amended to include

2.1 (i) The Authority comprises of 18 members, 15 of whom are elected councillors, two co-opted members and a further membership to be held by the West Midlands Police and Crime Commissioner. The 15 members will be elected from the seven constituent district councils comprising the West Midlands.

Inserting:

Role purpose:

- A wider consideration of collaborative opportunities through being more reflective of its partnerships*
- Wider support of the priorities of public services across the West Midlands to enable increased value for local communities*
- A more diverse membership providing for increased challenge and scrutiny.*

The proposed Membership of all Committees had been revised to reflect the new Reformed Fire Authority.

The proposed Terms of Reference of the Fire Authority had been amended to include the roles and responsibilities of the Executive Committee. The Committee would now comprise 15 Members, the Police and Crime Commissioner and 2 Co-optees.

Article 4, The Authority, (Appendix 1) had been amended to include the roles and responsibilities of the Executive Committee.

The Executive Committee would be disestablished.

Article 6, Executive Committee, would be deleted.

The Policy Planning Forum would no longer provide a forum for training and would now comprise of 15 Members, Police and Crime Commissioner and 2 Co-optees. Training and development for members would continue to be provided through the member training and development plan.

Article 5, Policy Planning Forum, would be amended to reflect the changes.

A new Governance and Transformation Committee was proposed to advise the Authority on the transition to the Mayoral West Midlands Combined Authority. The Committee would comprise 7 Members (one from each Constituent Authority) and a position exists on this committee for 1 Co-optee.

A new Article 6 for the new Governance and Transformation Committee, would be included in the Constitution.

The Scrutiny Committee terms of reference would be amended in line with the disestablishment of the Executive Committee, its findings would be reported directly to the Fire Authority. The Committee now comprises 7 Members and a position would exist for 1 Co-optee.

A new Article 7, Scrutiny Committee, reflecting the changes, would be included in the Constitution.

The Audit Committee would now become the Audit and Risk Committee to reflect its role in monitoring the Authority's Risk Register. It would comprise 5 Members and 1 Independent member and a position would exist for 1 Co-optee.

A new Article 8, Audit and Risk Committee, reflecting the changes would be included in the Constitution.

The Appointments, Standards and Appeals Committees would be combined into one Committee and comprise of 7 Members (one from each Constituent Council) and 1 Independent Member for Standards Issues only.

For Appointments Committee only, Cllr Brackenridge will become a full Member of the Committee replacing Cllr Dehar.

A proposed new Article 9, Appointments, Standards and Appeals Committee, amalgamating Articles 9, 10 and 11, would be included in the Constitution.

The existing Articles 9, 10 and 11 would be deleted.

The Employer Representatives of the Joint Consultative Committee would be reduced from 6 to 5.

Following a review of the Employee Relations Framework the Joint Consultative Panel Roles and Responsibilities will be reviewed and reported to the 17 September 2018 meeting of the Authority for approval.

The Constitution would be updated to include the amendments to the Articles.

A new Committee Structure was provided.

There was no percentage increase in the Members Allowances, however, the scheme had been amended to recognise the changes to the Committee Structure and appropriate allowances.

Following approval of the Committee Structure, an Independent Remuneration Panel would be requested to review the Members Allowances Scheme and the outcome of the review would be reported to the Authority on the 17 September 2018.

The Clerk to make any consequential amendments to the Constitution.

Members felt it unpalatable to increase allowances, and noted that travel expenses had been removed in 2011 and allowances had been frozen since 2011/12.

Resolved:

- (1) that following the reformation of the Fire Authority through the creation of “The Fire and Rescue Authority (Membership) Order 2017”(Appendix 13), amendments to the Constitution regarding the structure and membership of all Committees together with their Terms of Reference, be approved.
- (2) That the calendar of meetings for 2018/19, as set out in Appendix 8 be approved;
- (3) That no percentage increase be made in Members’ Allowances in 2018/19 by way of indexing or otherwise;
- (4) That the Members’ Allowances Scheme for 2018/19 as set out at Appendix 9 be approved;
- (5) That an independent review panel will be convened to review the Members’ Allowances scheme and that the result of the review will be presented to the Authority meeting scheduled to take place on 17 September be noted;
- (6) That the Clerk be authorised to make any necessary consequential amendments to other constitution documents in light of decisions made with regard to governance arrangements for 2017/18.

45/18 Appointment of Co-opted Members

The Authority received a report regarding the appointment of the Co-opted Members of the Authority. At the AGM of the Authority held on 26 June 2017, the Authority opened its membership to four co-opted Members as part of the move to the Reformed Fire Authority and to further enhance collaborative working with partner organisations. Following developments as part of the future governance work stream the number of co-opted members was subsequently revised to two.

Two co-opted members were proposed from partner agencies and organisations, aligned to the vision of the Service of

‘making the West Midlands safer, stronger and healthier’. Two co-opted members were proposed:

- Professor Simon Brake, Chief Officer, Walsall Clinical Commissioning Group
- Sarah Middleton, Chief Executive, Black Country Consortium

The proposed co-opted members had been made based on their skills, experiences and collaborative focus they bring to the Authority. Both co-optees will bring considerable experience and influences within their respective sector of health, community and business, complimenting and enhancing the Authority’s commitment to collaborated working and continued improvement.

It was noted that the co-opted members will undertake their roles as non-voting observers and are not subject to the receipt of an allowance, but can claim travel expenses when travelling outside of the West Midlands county whilst on official business.

Resolved that the appointment of Professor Simon Brake and Sarah Middleton as co-opted members of the Authority be approved.

46/18 **Political Balance and Membership of Committees and Panels 2018/19**

The Authority considered the Constitution and political balance of committees and assignment of members to committees and panels for 2018/19.

It was noted that the current Independent Member, Mr Ager, and Mr Tomkinson, the Independent Member of the Standards Committee, had both agreed to continue in role for a further year, or until such time as the Reformed Authority moves to the West Midlands Combined Authority.

Amendments would be made to the initials of two Councillors on the Members List and Appointments to Committees and Panels.

Resolved:

- (a) That the political balance and membership of committees and panels for 2018/19, as set out at Appendix 1, be approved;
- (b) That the appointment of Mr Ager as an Independent non-voting member of the Audit and Risk Committee be affirmed;
- (c) That the appointment of the co-opted members to the Scrutiny and Governance and Transformation Committees be approved;
- (d) That the appointment to the roles of Chairs and Vice Chairs of Committees and panels, as set out at Appendix 1 be approved;
- (e) That the appointment of Mr R Tomkinson 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 2019, or until such time as the Reformed Authority moves to the West Midlands Combined Authority.

47/18 Appointment of Representatives to Serve on other Bodies

The Authority considered the appointment of representatives to serve on other bodies during 2018/19. The Authority noted the principles of proportionality apply where the Authority makes more than three appointments to bodies specified in the Act. An indication was given in the appendix where proportionality applies.

Councillor Peter Hogarth was congratulated on his appointment as Leader of the Opposition Group.

The appointment of representatives to serve on other bodies were agreed as:

Local Government Association General Assembly
Councillors Edwards, Iqbal, Walsh and Hogarth

Local Government Association – Fire Service Commission
Councillor Edwards, Iqbal and Hogarth

West Midlands Road Safety Partnership
Councillor Aston

Association of Metropolitan Fire and Rescue Authorities
Councillors Edwards and Iqbal

Fire Control Governance Board
Councillors Edwards, Iqbal, Tranter and Hogarth

West Midlands Fire Service Business Safety Ltd (Dormant)
Councillors Edwards, Iqbal, Dehar and Hogarth

West Midlands Combined Authority
Councillor Edwards

48/18 **Member Attendance at Conferences, Seminar and Visits**

The Authority considered a report setting out the arrangements for Authorising attendance at conferences, seminars and visits.

It was noted that the Local Government Association Annual Fire Conference was being held in Brighton in March 2019.

Members were encouraged to visit fire stations as and when they wished and the wording (up to two visits per quarter would be removed).

It was noted that in respect of the Asian Fire Services Association Conference, Councillor Dehar, would also attend.

Resolved that the events for 2018/19, as set out in the Appendix to the report, be approved for the purposes of the payment of travel and subsistence allowances and conference fees (where appropriate) subject to the necessary budgetary provision being available.

49/18 **Governance Statement 2017-18**

The Authority considered a report seeking comments and consideration of the Annual Governance Statement for 2017/18 attached as Appendix 1 to the report. The Audit Committee had received the draft Governance Statement for 2017/18 at their meeting held on 4 June 2018.

Under the Local Government Act 1999 the Authority has responsibility for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded.

The Authority also has responsibility for proper arrangements for the governance of its affairs including arrangements for the management of risk.

The Authority's Governance Statement required the signatures of the Chair of the Authority and Chief Fire Officer and would be available to view at the end of June 2018.

The Internal Auditor had given the Authority its highest rating available of reasonable assurance.

The 2017/18 statement of accounts were currently being audited.

Resolved that the Authority's Governance Statement 2017/18 be received.

50/18 **Monitoring of Finances**

The Authority noted its first budgetary report of the year to the end of May 2018.

Appendix A showed some volatility but it was noted that this was early in the budgetary year. As part of the Authority's 2018/19 budget setting process the current year's budget reflects an estimated transfer from general balances of £1.500m. There was a modest favourable variance of £0.006m

Appendix B provided statistical data relating to the Firefighters Pension Scheme.

The scheme analysis shown at Appendix C for the capital programme indicated expenditure at the end of May 2018 as £1.205m. The Treasurer stated there would be significant capital spending on the rebuilding of the Coventry Fire Station.

The funding of capital project was being met from earmarked reserves, however, the Authority noted that there would be a significant reduction to the earmarked reserves over the next year or two as identified in previously approved budget report.

51/18 Annual Report of the Scrutiny Committee 2017-18

The Chair of Scrutiny Committee thanked the officers and staff who have supported the Committee over the previous year.

Councillor Brackenridge wished it be noted that he had not attended the June meeting of the Scrutiny Committee as he has been required to attend a meeting of the Audit Committee, in his role as substitute, in order to make the meeting quorate.

The Annual Report of the Scrutiny Committee was received.

52/18 Annual Report of the Audit Committee

Councillor Aston, in the absence of the previous Chair of the Audit Committee presented the Annual Report of the Audit Committee and paid tribute to the Treasurer, the Finance Department and both the internal and external auditors for their work with the Audit Committee

The Annual Report of the Audit Committee was received.

53/18 Minutes of the Executive Committee held on 26 March 2018

The minutes of the Executive Committee held on 26 March 2018 were received.

54/18 **Notes of the Policy Planning Forum – 26 March 2018**

The notes of the Policy Planning Forum held on 26 March 2018 were received

55/18 **Minutes of the Audit Committee held on 26 March 2018**

The minutes of the Audit Committee held on 26 March 2018 were received.

56/18 **Minutes of the Scrutiny Committee held on 26 March 2018**

The minutes of the Scrutiny Committee held on 26 March 2018 were received. Received

57/18 **Notes of the Joint Consultative Panel held on 16 April 2018**

The notes of the Joint Consultative Panel held on 16 April 2018 were received.

58/18 **Notes of the Policy Planning Forum – 4 June 2018**

The notes of the Policy Planning Forum held on 4 June 2018 were received

59/18 **Minutes of the Audit Committee held on 4 June 2018**

The minutes of the Audit Committee held on 4 June 2018 were received.

60/18 **Minutes of the Scrutiny Committee held on 4 June 2018**

The minutes of the Scrutiny Committee held on 4 June 2018 were received.

61/18 **Minutes of the Executive Committee held on 6 June 2018**

The minutes of the Executive Committee held on 6 June 2018 were received.

62/18 **Verbal Update on Trade Dispute**

This item was moved to the private agenda as a confidentiality agreement regarding the negotiations on the Trade Dispute had been signed and agreed with the National Fire Brigades Union.

63/18 **Exclusion of the Public and Press**

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to the financial or business affairs of any particular person (including the authority holding that Information)

64/18 **Verbal Update on Trade Dispute**

Members were provided with an update by the Chief Fire Officer on the current position in respect of the Trade Dispute with the Fire Brigades Union. The negotiations were confidential and a non-disclosure agreement had been agreed. A debate took place on the current position.

Members voted on the resolution put forward by Councillor Greg Brackenridge and seconded by Councillor Ann Young, that a meeting of the Joint Consultative Panel be held at the end of July to look at the current information available in relation to the Trade Dispute.

Eight Labour Members voted for the resolution
Four Conservative Members voted against the resolution
Two Councillors abstained from voting

Resolved that a meeting of the Joint Consultative Panel should be called at the end of July for Members to look at current information available in relation to the Trade Dispute.

65/18 **Planned Procurement Exercise for 2018-19**

The Authority received a report for approval of the tender exercises for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2018/19 for:

1. Wide Area Network
2. Cleaning Consumables
3. Waste and Recycling

Resolved that the tender exercise for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2017/18 be approved.

The meeting concluded at 1237 hours

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