

<p>Minutes of the Executive Committee</p>
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24th October 2005 at 12 noon
at the Fire Service Headquarters, Birmingham

Present: Councillor Hinton (Chair);
Councillors Hogarth (Vice-Chair), Bowen, Howard,
Idrees, Jackson (substitute member) and Lawrence.

Observers: Councillors Davis, Jones, Ryder, Singh, Tagger and
Ward.
Mr Topliss.

Apology: Councillor Eustace.

67/05 **Civil Contingencies Act 2004 – Disestablishment of Emergency
Planning Unit and Formation of Terrorism and Contingency
Planning Team**

Further to Minute No. 15/05, approval was sought to changes in the establishment, affecting the Emergency Planning Unit (EPU), the Contingency Planning Team and the Intervention Section, that were required as a consequence of the introduction of the Civil Contingencies Act 2004.

The Act and associated regulations and guidance represented a significant change for the organisations to which they applied. The impact upon responder organisations would be influenced by decisions that were yet to be made by them and the Local Resilience Forum. The decisions concerned responsibility for elements of the duties and determination on the types (generic or specific) and numbers of response plans that were developed as a consequence of the risk assessment process. Therefore, the full impact of the Act for West Midlands Fire Service remained to be determined.

The current proposed changes represented a temporary position that had been developed upon the basis of current information. The arrangements would be reviewed in sufficient time following implementation to enable planning for the financial year 2008/9.

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Resolved:-

- (1) that approval be given to disestablish the Emergency Planning Unit (EPU), discontinue the EPU call-out rota and delete the posts of Emergency Planning Manager (Grade 14) and Emergency Planning Officer (Grade 11) from the establishment;
- (2) that approval be given to rename the Contingency Planning Team the 'Terrorism and Contingency Planning Team' (TCP);
- (3) that approval be given to establish new posts of Senior Planning Officer (Grade 15) and Planning Officer (Grade 11);
- (4) that the proposed allocation of responsibilities, as detailed in the report now submitted, be noted.

68/05 Urban Search and Rescue(USAR) /Technical Rescue

Approval was sought for officers to make arrangements for the construction of a suitable building at Bickenhill Fire Station to accommodate the USAR assets and training rig and for officers to develop the USAR capability into a Technical Rescue capability.

USAR was one of the six capability projects that formed part of the New Dimension Programme, which sought to enhance the UK Fire and Rescue Services' preparedness and resilience by improving capability to respond to major catastrophic incidents.

The further development of USAR would provide the Fire Service with several opportunities to work more safely as well as maximising areas of work that could be better co-ordinated and mitigating risk to the Authority and Brigade.

A feasibility study had been undertaken as to the most suitable location for the proposed Technical Rescue facility. The most cost effective solution was to construct a purpose made building. Officers had therefore been tasked with obtaining tenders for building the proposed facility at the existing Bickenhill Community Fire Station site, which was estimated to cost in the region of £800,000.

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The Office of the Deputy Prime Minister had provided grant funding of £459,000 for New Dimension work. In addition, it had indicated that it would provide further funding of approximately £12,000 per asset for the provision of concrete platforms, power supply and security and up to £300,000 funding for the provision of regional rig training. However, confirmation of these amounts was still being sought.

Arrangements had been made for members of the Authority to receive a demonstration of the equipment and its capabilities at Bickenhill Fire Station on 25th October 2005.

Resolved:-

- (1) that, subject to confirmation of the availability of Government funding, approval be given to the staged development of Urban Search and Rescue (USAR) resources into a Technical Rescue facility;
- (2) that, subject to confirmation of the availability of Government funding, approval be given to the location and configuration of the proposed Technical Rescue Station at Bickenhill Fire Station;
- (3) that the Terrorism and Contingency Planning Team investigate the options for the relocation of existing resources and identify any funding arrangements to support this and submit a further report in due course;
- (4) that a presentation on USAR/Technical Rescue be given to members of the Authority at Bickenhill Fire Station on 25th October 2005 and that attendance at the presentation be regarded as an approved duty for the purpose of Members' allowances.

69/05 Local Government Association (LGA) Membership

Further to Minute No. 52/05, the Committee received a report that set out the benefits to the Authority of being a member of the Local Government Association (LGA).

The membership renewal cost for 2006/2007 was estimated to be £38,000.

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Resolved that the benefits to the Authority of membership of the LGA be noted and that the Authority's membership for 2006/2007 be renewed.

70/05 **Corporate Risk Management Review 2005**

The Committee was informed of the provisional outcomes from the Corporate Risk Review workshops held in September 2005. Approval was now sought to progress the Corporate Risks identified for inclusion in the Corporate Risk Register and for the review to proceed to Member engagement for consideration of 'political risks'.

The review had utilised the same methodology as the 2004/2005 review, which had been developed in partnership with Sandwell MBC's Risk Management Section and Zurich Municipal Management Services.

A total of 19 risk scenarios had been identified and then scored against a risk matrix that identified their likelihood and severity. Eight of the risks identified had emerged as key strategic factors that were recommended for sustained corporate level actions for the 2006/2007 business planning cycle. Those risks found to be less significant were either due for completion in the current Business Plan or were to be considered for inclusion in departmental action plans in the 2006/2007 business planning cycle.

Resolved that the outcomes of the Corporate Risk Review Workshops held in September 2005 be noted, and the review process proceed to member engagement for consideration of the 'Political Risks' identified, risk owner identification and action planning.

71/05 **Comprehensive Performance Assessment (CPA) High Level Improvement Planning Process.**

Approval was sought to the format, structure and content of the draft CPA Service Improvement Plan.

Following the release of the CPA Final Report, there was a requirement for the West Midlands Fire and Rescue Authority (WMFRA) to submit a Service Improvement Plan which was then subject to the Round Table Process for discussion and agreement with the Office of the Deputy

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Prime Minister (ODPM) and other key stakeholder representatives.

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The draft CPA Service Improvement Plan comprised a summary document and a compilation of current Departmental Action Plans that had been amended to reflect an organisational response to the observations made by the Audit Commission. The Plan had been produced by scrutinising the 111 observations made by the Audit Commission in their final report of July 2005 and extracting all areas for improvement as well as any positive comments that appeared to require an update.

The action plans submitted to address performance management, human resource issues and partnership working had been amended to reflect the outcomes of the three improvement planning workshops held in August.

Any financial implications had been reflected where appropriate against specific actions within the Service Improvement Plan.

Resolved that the draft Comprehensive Performance Assessment Service Improvement Plan, as now submitted, be approved and submitted to the Round Table process for agreement.

72/05 Visit to Fire Stations and Fire Service College – Approved Duty

Further to Minute No. 54/05, approval was sought for Member visits to Fire Stations and the Fire Service College to be regarded as an approved duty for the purpose of Members' allowances.

A series of dates commencing in November 2005 had been proposed for visits to fire stations across each of the cities and boroughs where both the Station and Borough Commanders would be present. The visit to the Fire Service College was an opportunity for Members of the Authority together with European MPs to visit the college to see the facilities it had to offer on a commercial basis.

Resolved that attendance by Members on scheduled visits to fire stations within the West Midlands and to the Fire Service College on 2nd and 3rd December, 2005 be regarded as an approved duty for the purpose of Members' allowances.

73/05 Constitution of the Joint Consultative Panel

Further to Minute No. 39/03(4) of the Authority, approval was sought to a revised constitution for the Joint Consultative Panel, following

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extensive negotiations with the representative bodies. This matter had been brought to the Executive Committee as a matter of urgency, with a view to reconvening meetings of the Joint Consultative Panel as soon as possible.

It was proposed that the JCP would hold alternate meetings, one for middle management issues and another for issues involving all roles within the organisation. Under this arrangement, representative bodies had agreed to reduced representation. As a consequence the number of elected Members sitting on the Panel would also need to reduce from 11 to 6 Members.

Resolved:-

- (1) that the revised constitution of the Joint Consultative Panel (JCP), as set out in the Appendix, be approved;
- (2) that the Clerk be notified of the names of the elected representatives who will serve on the Panel.

74/05 Local Authority Finance Formula Grant Distribution Consultation

The Committee was informed of the options currently being considered as part of the revisions to grant formula distribution for 2006/2007.

The Government had undertaken a consultation exercise setting out the options and the Committee noted the Authority's response. The Treasurer reported on the specific issues affecting the Fire Service.

75/05 Outcomes Against Action Plan Objectives for 2005/2006

The Committee was informed of the progress made for the current year against Action Plan Objectives relating to the Ten Year Scan and Departmental Objectives 2005/2006; and Best Value Reviews of Employee Services and Litigation, ICT, Procurement, Property Management and Financial and Legal Services.

76/05 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 I of Schedule 12A to the Local Government Act 1972

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relating to:

Minute No. 77/05 - Exempt information relates to terms proposed for the disposal/acquisition of property or the supply of goods or services and disclosure would be likely to prejudice the Authority;

Minute No. 78/05 – Exempt information relates to advice in connection with legal proceedings/the determination of a matter affecting the Authority;

Minutes Nos. 79/05 to 82/05 – Exempt information relates to the identity of a tenderer for the supply of goods or services.

Minute No. 83/05 – Exempt information relates to negotiations or consultation on labour relations matters and disclosure would be likely to prejudice those negotiations.

77/05 Managed Service for the Provision of Uniform

Approval was sought for the Authority to join in Shropshire Fire and Rescue Service's contract with Images at Work (IAW) for a managed service for the provision of uniform.

The managed service would encompass all uniform stocked at West Midlands Fire Service (WMFS) Supplies and Stores Section. All stock would be transferred to the IAW warehouse based in Salisbury and would be issued as and when required by WMFS personnel. Managing uniform requirements in this way would reduce stock holding costs, in-house administration, release staff for other duties, save procurement costs and improve management and budget information.

Images at Work (IAW) had extensive experience in operating this type of contract for similar organisations. The information technology and logistical infrastructure required to manage this service on behalf of the Brigade was already in place and the Brigade was satisfied that IAW would be able to meet its service delivery requirements.

The length of the proposed contract depended on the introduction of the Integrated Clothing Project currently being carried out by FireBuy, the Government's Fire Service procurement agency, which was estimated to go live in December 2006.

In accordance with Contract Standing Order 3.15(f), competitive tenders were not required, and the Committee noted that the value of the contract

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exceeded £100,000.

Resolved that, in accordance with Contract Standing Order 3.15(f), approval be given for the Brigade to join Shropshire Fire & Rescue Service's contract with Images at Work (IAW) for the managed service and provision of uniform.

78/05 **Update on Litigation Proceedings against the Authority by AP (UK) Ltd**

Further to Minute No. 48/05 the Committee noted the position on litigation proceedings against the Authority by AP (UK) Limited.

The Authority had been advised by its legal defence to apply to have the case struck out on the grounds of the unreasonableness of the claim, and the failure of the claimants to produce any real evidence. The application was provisionally due to be heard on 15th November 2005.

Resolved that approval be given to the Authority's application to have the proceedings struck out.

79/05 **Procurement of Smoke Alarms for People with a Hearing Impairment**

Approval was sought to award the contract for the supply of smoke alarms for people with a hearing impairment to Summit, following negotiation with a number of suppliers.

Summit had submitted the lowest priced tender, and had indicated that it was willing to make direct deliveries at no additional cost. Funding would be provided from the ODPM Home Fire Risk Check Initiative Grant.

Resolved that, subject to the preparation of a formal contract by the Clerk, the contract for the supply of smoke alarms for people with a hearing impairment be awarded to Summit.

80/05 **Procurement of a Personal Development Recording System to Support the Integrated Personal Development System**

The Committee was informed of the Authority's intention to procure a personal development recording system to support the Integrated

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Personal Development System (IPDS). As a consequence of the implementation of some of the components of the IPDS the need for such a system had become critical. PDRPro©, had been identified by the IPDS project as the preferred solution.

The cost of providing the three year contract was £67,000 and it was proposed to fund this through reduced administration costs and the disestablishment of a vacant Sub-Officer post within the IDPS Section, which would not be required as a result of the procurement of a personal development recording system.

The estimated net saving of the proposed system based on a three year contract was £47,000.

Resolved that approval be given to disestablish the vacant post of Sub-Officer within the Integrated Personal Development Section at the Training Centre.

81/05 **Tenders for Re-roofing at Binley Fire Station**

The Committee opened five tenders received for the above works in the following amounts:-

£98,313.96;
£98,488.75;
£107,770.06;
£113,188.57;
£171,450.57.

The estimated cost of the work was £105,000.00

Resolved that subject to:-

- (a) the checking of the tender;
- (b) the preparation of a formal contract by the Clerk;
- (c) any necessary comments from the Government Departments concerned;

the tender submitted by General Asphalt Co. in the sum of £98,313.96, being the lowest received, be accepted.

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82/05 **Tenders for Grounds Maintenance**

The Committee opened three tenders received for the above works in the following amounts:-

£121,814.60;
£198,300.00;
£290,401.68.

The estimated cost of the work was £145,000.00

Resolved that subject to:-

- (d) the checking of the tender;
- (e) the preparation of a formal contract by the Clerk;
- (f) any necessary comments from the Government Departments concerned;

the tender submitted by D J McAllister & Sons Ltd in the sum of £121,814.60, being the lowest received, be accepted.

83/05 **Notification of a Trade Dispute – Consequential Issues arising from the outcome of the meeting of the Technical Advisory Panel**

The Committee was informed that the Fire Brigades Union (FBU) had formally notified the Authority on 7th October, 2005 that a trade dispute would exist unless the duty system and shift pattern for firefighters that existed prior to 9th September 2005 was restored and maintained until agreement was reached over the three consequential issues arising out of the meeting with the National Joint Council's Technical Advisory Panel.

A response had been sent on behalf of the Authority indicating that it did not accept the FBU's interpretation of the outcome of the Technical Advisory Panel; that the Authority had always maintained the need to introduce the new duty system and shift pattern from September 2005 to support its Integrated Risk Management Plan; that negotiation on the three outstanding issues identified by the Technical Advisory Panel was ongoing; and that the offer of a flexibility allowance did offer financial advantages to firefighters. On this basis the Authority was not willing to restore the old duty system pending agreement on the three outstanding

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issues, but confirmed its intention to continue working with the FBU to resolve the outstanding issues. The response therefore urged the FBU to reconsider its threat to ballot for industrial action.

The FBU had sent a letter to its membership indicating that the ballot would commence on 21st October, 2005 and finish on 4th November, 2005. Industrial action could therefore commence from 11th November, 2005.

Details of contingency planning were outlined, including the conclusion of an agreement for the provision of military aid to the West Midlands Fire Service to mitigate the risk to the community in the event of industrial action.

Resolved:-

- (1) that the Committee notes that the FBU has registered a trade dispute with the Authority over the consequential issues arising from the outcome of the meeting of the National Joint Council's Technical Advisory Panel;
- (2) that the Committee notes the response sent on behalf of the Authority to the FBU;
- (3) that the Committee notes the action of the Chief Fire Officer in entering into an agreement with the Ministry of Defence for military aid to the West Midlands Fire and Rescue Authority;
- (4) that the application of the Authority's policy for partial performance in event of industrial action by the FBU be approved;
- (5) that the Committee notes that no provision exists within the approved 2005/06 budget to meet the one-off cost of £270,000 to fund the Authority's final offer, and that authority be given to release funds from balances to meet this cost.

(Meeting ended at 1.20 pm)

<i>Contact Officer: Stephnie Hancock Democratic Services Unit Sandwell Metropolitan Borough Council 0121-569-3189</i>

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

JOINT CONSULTATIVE PANEL

Constitution and Functions

1. **Title**

The Panel shall be called the 'West Midlands Fire and Rescue Authority Joint Consultative Panel'.

2. **Representation**

The Panel shall comprise members of the Authority and employees of West Midlands Fire Service as follows:-

JCP [Middle Management]

6 Elected Members [known as 'the employers']
and
2 Fire Brigades' Union
2 Fire Officers' Association
2 Unison
[known as 'the employees']

Plus 2 Officers acting as advisors to the Authority

JCP [Other Roles]

6 Elected Members [known as 'the employers']
and
4 Fire Brigades' Union
2 Unison
[known as 'the employees']

Plus 2 Officers acting as advisors to the Authority

All members shall retire annually and shall be eligible for re-appointment.

The attendance of additional persons by invitation in an advisory capacity only shall be permitted provided that prior agreement is obtained from both sides represented on the Panel.

If a member of the Panel ceases to be a member or an employee of the Authority he or she shall immediately cease to be a member of the Panel.

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Any vacancy amongst the employers shall be filled by the Authority. Any vacancy amongst the employees shall be filled by the staff organisations concerned.

3. **Meetings of the Panel**

The Clerk to the Authority shall act as secretary to the Panel and be responsible for issuing the calling notices for all meetings.

The Joint Consultative Panel shall hold alternate meetings, one for middle management issues and the other for issues involving all other roles within the organisation. If a matter arises appertaining to all employees it shall be referred to the JCP [Middle Management] as all appropriate representative bodies sit on this Panel.

4. **Chair**

A Chair shall be elected at each meeting, alternating between the employers' and employees' sides. In the event of the employees' side not being able to reach an agreement on a Chair, the employers' side will appoint a Chair for the meeting.

The Chair of the Panel shall not have a casting vote.

5. **Officers**

The Clerk, Treasurer and Chief Fire Officer shall be entitled to attend all meetings of the Panel and shall be allowed to nominate any officers to attend as may be appropriate to the business to be discussed.

6. **Functions**

The functions of the Panel shall be:-

To establish regular methods of consultation between the Authority and its employees and to consider and make recommendations on any problems which may arise.

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To consider and make recommendations to the Authority on any relevant matter referred to it by the Authority or by the relevant employee organisations.

To consider and make recommendations to the Authority on the application of the terms and conditions of service for employees.

To discharge such other functions as are specifically assigned to it.

In appropriate circumstances, to refer any question coming before it to the National Joint Council for consideration and advice where such action is deemed advisable; to inform the National Joint Council or any other appropriate body concerned of any recommendations of the Panel which appear to be of more than local interest provided that any such action shall be by way of a recommendation to the Authority prior to its submission.

7. Rules and Regulations

Provision for four Panel meetings per year shall be made by the Authority. Special meetings shall only be called with the prior approval of the relevant principal member(s) and the lead representative of the employee organisation(s) involved.

The matters to be discussed at any meeting of the Panel shall be included in the agenda for the meeting. No other matters shall be raised.

Generally the quorum of the Panel shall be one third of the total number of representatives appointed by each side with each representative body being represented.

Where the Panel is considering business relating specifically to one representative body, quorum of the employees' side shall be one third of the total number of representatives appointed by each side, with no requirement for each representative body to be represented, provided that the relevant representative body is represented.

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No resolution shall be carried unless it has been approved by a majority of members present on each side of the Panel. In the event of:-

- (a) the Panel being unable to arrive at an agreement; or
- (b) the Authority disagreeing with the recommendations of the Panel;

the matters in dispute shall be referred to:

- (a) The National Joint Council Joint Secretaries and/or
- (b) ACAS and/or
- (c) The National Joint Council Resolution Advisory Panel.

All sides to the Panel accept that agreements reached by them shall be binding in honour only, all parties expressly agreeing that joint decisions as to recommendations are not intended to constitute legally enforceable agreements between them until such recommendations are approved by the Authority.

All parties agree, nevertheless, to use their best endeavours to ensure that the spirit and intention of the agreements on recommendations reached at meetings of the Panel are honoured at all times.

The notes of the Panel shall be submitted to the Authority.