

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.

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.

21/16

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.

22/16

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.

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