

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

5 OCTOBER 2020

1. DECISIONS TAKEN UNDER 'MATTERS OF URGENCY'

Report of the Chief Fire Officer.

RECOMMENDED

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. The Appointment of a Deputy Monitoring Officer
2. The Corporate Performance Indicators for 2020/21

2. PURPOSE OF REPORT

This report is submitted to confirm retrospectively the two 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 West Midlands and Warwickshire by West Midlands Police (Thursday, 19th March 2020) in response to the Covid-19 pandemic, the full WMFRA and its Committee meetings were cancelled, and decisions postponed. The exception was the Audit and Risk Committee which is a Standing 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 will remain so initially until 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 can be done via audio link, if video link is unavailable. The WMFRA met weekly for online briefings from the Chief Fire Officer on business continuity planning during the response phase of the pandemic; the Audit and Risk Committee met twice.

- 3.3 The Constitution of WMFRA makes provision for required decisions that cannot be postponed being considered under Standing Order 17.1 'Urgent Matters', which 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. **APPOINTMENT OF A DEPUTY MONITORING OFFICER**

- 4.1 In most Local Authority arrangements, the Statutory appointment of a Monitoring Officer will be supported by the appointment of a Deputy to support resilience where the Authority Monitoring Officer is unable to act due to illness or absence. This arrangement is similar for the role of a Section 151 Officer.
- 4.2 During the Covid-19 pandemic the Service was operating within its business continuity policy. Initially, there was no business continuity arrangement in place for the Authority's Monitoring Officer provision. Section 5 of the Local Government in Housing Act 1989 sets out the requirement for the designation of a Monitoring Officer; Sub section 7, sets out that "the duties of a relevant authority's monitoring officer under this section shall be performed by him personally or, where he is unable to act owing to absence or illness, personally by such member of his staff as he has for the time being nominated as his deputy for the purposes of this section."
- 4.3 The appointment of a Deputy Monitoring Officer ensured WMFRA had appropriate resilience in its Monitoring Officer provision during the period, as well as during normal business. The engagement of the provision was/will only be necessary if the Authority's Monitoring Officer is unable to act due to illness or absence.

It was RECOMMENDED:

That the Chief Fire Officer appoint a Deputy Monitoring Officer for resilience purposes.

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 Covid-19 Briefing of 3 April 2020. It was resolved that the resolution be reported to the next ordinary meeting of the Fire Authority.

5. **APPROVAL OF CORPORATE PERFORMANCE INDICATORS**

- 5.1 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.
- 5.2 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 2020/21 as set out in Appendix 1.

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 consultation included information about the rationale that formulated the revised targets and can be found as provided in Appendix 2. The decision was reported to the WMFRA Covid-19 Briefing of 24 April 2020. It was resolved that the resolution be reported to the next ordinary meeting of the Fire Authority.

6. **EQUALITY IMPACT ASSESSMENT**

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

7. **LEGAL IMPLICATIONS**

There are no legal implications associated to this report.

8. **FINANCIAL IMPLICATIONS**

There are no direct implications arising from this report. The Authority's budget for 2020/21 supports the delivery of the priorities, strategic objectives and outcomes.

9. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

BACKGROUND PAPERS

West Midlands Fire and Rescue Authority 17 February 2020 'The Plan 2020-23

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