



**WEST MIDLANDS
FIRE AND RESCUE
AUTHORITY

ANNUAL MEETING**

Monday, 26 June 2017 at 11:00

**FIRE SERVICE HEADQUARTERS,

99 VAUXHALL ROAD,

BIRMINGHAM, B7 4HW**

Car Parking will be available for Members at Fire Service Headquarters.

Accommodation has been arranged from 10.00 am for meetings of the various

Political Groups.

Distribution of Councillors	
<u>Birmingham</u>	G S Atwal D Barrie K Booth A Cartwright L Clinton N Eustace M Idrees R Sealey S Spence F Williams
<u>Coventry</u>	P Male C Mks S Walsh
<u>Dudley</u>	A Aston N Barlow M Mottram (JP)
<u>Sandwell</u>	K Allcock J Edwards C Tranter
<u>Solihull</u>	S Davis P Hogarth
<u>Walsall</u>	S Craddock B Douglas-Maul A Young
<u>Wolverhampton</u>	G Brackenridge T Singh P Singh

Fire Authority

You are summoned to attend the meeting of Fire Authority to be held on
Monday, 26 June 2017 at 11:00

at Fire Service HQ, 99 Vauxhall Road, Nechells, Birmingham B7 4HW

for the purpose of transacting the following business:

Agenda – Public Session

- 1 To Elect the Chair of the Authority for the ensuing year
- 2 To elect the Vice-Chair of the Authority for the ensuing year
- 3 To receive apologies for absence (if any)
- 4 Declarations of interests in contracts or other matters
- 5 Chair's announcements
- 6 Minutes of Fire Authority 10 April 2017 7 - 22
- 7 Membership of the Authority 2017-18 23 - 26
- 8 Questions on the Discharge of Functions 27 - 28
- 9 Governance of the Authority 2017-2018 29 - 58
- 10 Review of Statutory Monitoring Officer Provision 59 - 76
- 11 Political Balance and Membership of Committees and Panels 77 - 82
- 12 Appointment of Representatives to Serve on Other Bodies 83 - 86
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14	<u>Governance Statement 2016-17</u>	91 - 100
15	<u>Monitoring of Finances</u>	101 - 106
16	<u>Operational Assessment and Peer Challenge Report</u>	107 - 132
17	<u>Annual Report of the Scrutiny Committee 2016-17</u>	133 - 142
18	<u>Annual Report of the Audit Committee 2016-17</u>	143 - 152
19	<u>Result of Recent Fire Safety Prosecutions</u>	153 - 156
20	<u>Minutes of the Executive Committee held on 27 March 2017</u>	157 - 160
21	<u>Notes of the Policy Planning Forum 27 March 2017</u>	161 - 168
22	<u>Minutes of the Audit Committee held on 27 March 2017</u>	169 - 178
23	<u>Minutes of the Scrutiny Committee held on 27 March 2017</u>	179 - 184
24	<u>Notes of Joint Consultative Panel held on 10 April 2017</u>	185 - 190
25	<u>Minutes of the Appeals Committee held 15 May 2017</u>	191 - 192
26	<u>Notes of the Policy Planning Forum held on 12 June 2017</u>	193 - 196
27	<u>Minutes of the Audit Committee held on 12 June 2017</u>	197 - 202
28	<u>Minutes of the Executive Committee held on 12 June 2017</u>	203 - 204
29	<u>Minutes of the Scrutiny Committee held on 12 June 2017</u>	205 - 214
30	<u>Exclusion of the public and press</u> Chair to move:- <i>"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 for the reasons stated below."</i>	

Agenda (not open to public and press)

31 Emergency Services Mobile Communications Programme

Agenda prepared by Julie Connor

Strategic Hub, West Midlands Fire Service

Tel: 0121 380 6906

Email: julie.connor@wmfs.net

This agenda and supporting documents are also available electronically on the West Midlands Fire Service website at:- www.wmfs.net

Clerk Name: Karen Gowreesunker

Clerk Telephone: 0121 380 6678

Clerk Email: Karen.Gowreesunker@wmfs.net

Minutes of the Meeting of the West Midlands Fire and Rescue Authority

**10 April 2017 at 11.00 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor Edwards (Chair)
Councillor Idrees (Vice-Chair);
Councillors: Aston, Barlow, Bennett, Brackenridge, Cartwright,
Clinton, Craddock, Dad,
Davis, Eustace, Hogarth, Idrees,
Mottram, Sealey, B Singh, P Singh, T Singh, Skinner,
Spence, Tranter, Walsh and Young.

Mark Richards, Business Development Manager,
Ferno Ltd attended the meeting

Apologies: Councillor Allcock, Barrie, Booth, Singh Atwal, Mr Ager

27/17 Declarations of Interest

There were no declarations of interest on this occasion.

28/17 Chair's Announcements

The Chair requested that all Members signed the Related Party disclosure form placed before them at the meeting before they left the meeting and return it to the Treasurer.

A Charity Golf Event had been arranged in order to raise funds for the the Firefighters Charity. The event is taking place on the 27 July 2017 at Henley in Arden Golf Club. Members to contact DCFO Phil Hales if they wish to take part.

A problem with emails was discussed. The Chair stated that the date of Authority meetings and other Committees had been published at the beginning of the municipal year. The dates never change and the meetings always take place.

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It was noted that the papers for the meetings are uploaded onto the Committee Management Information System (CMIS) 10 days before the meeting takes place.

Members were requested to ensure that meeting dates and times were added to their calendars and to be proactive in preparing for meeting. If there were difficulties with emails the papers could be accessed via CMIS by searching for wmfs/cmris in a web browser.

Any problems should be reported to Julie Connor in the first instance 0121 380 6906 or by email.

The Chief Fire Officer stated that following the meeting, there would be a presentation of the Shining Light Award by the Asian Fire Services Association to West Midlands Fire Service. This was the first time an organisation had received this award.

It was noted that Firefighter Robert Turner and Crew Commander Mitchell Lee had won the Walsall Mayor's Civic and Community Inspiration Award.

Although the highest user of the Firefighters' Charity, the West Midlands Fire Service had not been the best contributor, therefore a concerted effort was being made to raise funds and so far £12,000 had been raised through car washes on fire stations with more to follow.

In April, May and June, Firefighter Taster Sessions had been arranged to promote positive action in the recruitment of future firefighters in order to maintain the numbers required. Members were requested to support the sessions.

Following the terrorist attack at the Houses of Parliament, and the sad death of PC Keith Palmer and a number of members of the public, a minutes silence was held prior to the commencement of the formal part of the meeting, in order to respect the fact that PC Palmer's funeral was taking place on this day,

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29/17 Minutes of the meeting held on the 20 February 2017

Resolved that the minutes of the meeting held on 20 February 2017, be confirmed as a correct record.

30/17 Route Map to a Mayoral WMCA Governance – a reformed Fire Authority

Approval was sought to the Route Map to a Mayoral West Midlands Combined Authority (WMCA) Governance – a reformed Fire Authority (RFA).

The WMCA approved the Board Paper – Route Map to Mayoral WMCA Governance on the 3 March 2017. This set the strategic direction in The Plan 2017-2020 and the direction, process, timeline and approach to be taken.

The Secretary of State would be required to approve an amendment to the Local Government Act 1985 Section 10, in line with the proposal to reform the Fire Authority and the number of members, which is considered to be the most appropriate to lead through to a Mayoral WMCA arrangement.

This would take effect no later than June 2018, following the change in legislation and the Clerk/Monitoring Officer, in consultation with the Chair, will be delegated to submit an appropriate revision to the Local Government Act 1985, seek appropriate contents for reduction in the number of appointments to the RFA and seek appropriate appointment of co opted members to the RFA.

Draft revisions to the Authority's Constitution, Standing Orders, Committee Structure and Committee Terms of Reference and any other relevant government documentation will be prepared for consideration on implementation of the RFA. Internal processes would be put in place to manage the risk.

Draft revisions to the Authority's Scheme of Delegations as set out in the Constitution would be prepared for consideration on the implementation of the RFA.

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A review of the Members' Allowances Scheme in accordance with statutory requirements would be initiated.

The launch of the Policing and Crime Bill 2016, now the Policing and Crime Act 2017 (the Act) set out the potential for a change in the future governance of Fire and Rescue Services across England. The Act, along with the clear expectations set out by the Government around the reform of Fire and Rescue Services, provided the opportunity for the Authority to review the future governance of the Service. This provided a choice of paths and routes.

During the period June 2016 to January 2017 concentrated stakeholder engagement took place through the Future Governance Working Group and public consultation with partners and local communities.

On the 20 February 2017, the Authority approved a strategy and indicative timeline for the reform of the Authority.

On 3 March 2017 the WMCA Board unanimously approved a report supporting the Authority's strategy and timeline, in moving towards the transfer in governance from the Authority to a Mayoral WMCA. A change that would be enabled as part of the second WMCA devolution deal. The anticipated date of the destination governance of a Mayoral WMCA is Autumn 2018.

The timeline for transfer of governance to a Mayoral WMCA would not be imminent, as due process must be observed. This will provide the opportunity in the interim, to progress, reform and collaborate further, supporting delivery of The Plan and a progressive journey into the Mayoral WMCA.

The outcomes of the Working Group provided an evidence base and the work being undertaken on behalf of the WMCA on the Public Sector Reform and Multiple Complex Needs Individuals work programme clearly signal that the Service can lead and support wider agendas.

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A RFA would seek to maintain and improve the approach to robust decision making and scrutiny arrangements. These arrangements would be enhanced through a more diverse approach to membership enabling key partners (co-opted members) to take a place on the RFA, offering additional challenge and scrutiny.

A RFA would provide stability for the Service in supporting public safety for communities, as the Service moves towards governance as part of a Mayoral WMCA arrangement.

Moving to a RFA model as part of a route to a Mayoral WMCA model (incorporating public health agencies and access to health and wellbeing commissioning) provides far better value for money for longer term ongoing reduction upon the public purse. A RFA would ensure that services continue to be delivered with little, if no, internal or external disruption whilst preparing staff and partners for a change to a Mayoral WMCA.

This will enable a more dynamic and responsive approach and all members would be fully engaged, delivering efficiencies through a revised structure and streamlining the approach to committees.

Taking reform further, the Authority would:

- reduce the currently legislatively prescribed Authority membership, but maintain section 41 principles of accountability and transparency.
- Refine committee structures – overview and scrutiny forums.
- Maintain proportionality of members to electors across the West Midlands
- Support future collaboration through continued member involvement across the 7 West Midlands Local Authorities, enabling improved community outcomes.
- Further support collaboration and provide for a more diverse membership through co-opted membership from the Office of the PCC, West Midlands Ambulance, Mayoral WMCA and Public Health.

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The Authority was legally created via the local Government Act (LGA) 1985 which created joint fire authorities. Currently there are 27 members appointed to the Authority stipulated through Section 29 and Scheduled 10 of the LGA 1985 who represent the Electors of the West Midlands and is politically balanced.

The Authority's geographical footprint/area is one of the largest compared with other Metropolitan Fire and Rescue Authorities and is the biggest outside of London in respect of diversity and risk.

Both Manchester and London are planning to move towards the Mayoral route of governance and the RFA is seen as positive move towards the WMCA Mayoral route.

The options for a RFA, seek to address the information and evidence outlined in the report, as submitted, as well as adopting the principles set out above are:

- a) Governance model comprising 9 members (plus inviting 4 non-elected members)
- b) Governance model comprising 14 members (plus inviting 4 non-elected members)
- c) Governance model comprising 15 members (plus inviting 4 non-elected members)

Each option would result in an increase in the member/elector ratio from the current 1:72 in each case to:

- a) 1:217
- b) 1:139
- c) 1:130

And this would also increase in respect of the member/elector ratio in each Local Authority.

A model of 9 elected members (4 co-opted additional) would provide a larger ratio of proportionality than the current model, and political balance would be a challenge.

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A model of 14 or 15 elected members (4 co-opted additional) would also provide a larger ratio but would provide political balance and increase representation from Birmingham from 3 to 4.

The interim models would maintain the principles including section 41 leadership providing accountability and transparency and would demonstrate a real intent to reform along with a challenge to the current way of working and generating efficiencies.

The proposal to reduce the number of committees to a minimum level of four committees, for business that cannot be resolved at full Authority such as Audit and Scrutiny functions would be considered at the 2017 June AGM following a review of terms of reference and structure.

A future structure could incorporate:

- Scrutiny Committee
- Audit Committee
- Joint Consultative Panel
- Appeal, Appointments and Standards amalgamated into one

An Executive Committee would not exist as a separate committee, but could exist in principle to be called upon in times of emergency as defined by the Authority's constitution.

The proposal to incorporate co-opted members onto the Authority will provide opportunities to increasingly reflect communities of the West Midlands. It would also support further collaboration, as well as open the Authority up to increased scrutiny and transparency in decision making, through membership on both scrutiny and audit committees.

The indicative timeline to a RFA:

3 March 2017 – WMCA approval

10 April 2017 – Authority approval for a Reformed Fire Authority and determine model

12 April 2017 – Clarification of consent – letter to Local Authority Leaders and letters to PCC and proposed co-optees

13 April 2017 - Letter to Secretary of State requesting amendment to Authority

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25 April 2017 – consent deadline

26 June 2017 AGM – Co-optees take place on Authority

1 – 31 August 2017 (approximate) Secretary of State Order approved

At earliest opportunity or June 2018 AGM – RFA implementation

A full Equality Impact Assessment had been carried out but no further action was required.

The Authority would have due regard to the relevant legislation:

Localism Act 2000

Local Government Act 1985, Section 29 and Schedule 10 (Part 6)

Local Government and Housing Act 1989, ss. 15 to 17 and Schedule 1

Local government (Committees and Political Groups)

Regulations 1990 (SI 1990 No 1553)

Further resources may be required.

The cost of the Authority during 2016/17 taking into account basic and special responsibility allowances and expenses would be £243,684.

The approximate efficiencies to be gained from each proposal are:

Option 1 (9 Members) - £120k

Option 2 (14 Members) £80k

Option 3 (15 Members) £70k

Further potential savings of between £9,800 and £29,400 could be made if the Executive Committee ceases as a 'usual' committee.

The Chair thanked the Clerk for producing a long, but complex report. He felt it was a poignant day for the Fire Authority following 31 years of existence since its inception in 1986. A lot of Members had served for many years on the Fire Authority including Councillors Idrees, Spence, Eustace and Hogarth.

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The Chair felt that the Authority had delivered quality governance over the years with excellent leadership from cross-party Chairs and the Service was currently providing the best response times in the country.

The West Midlands had a choice in the governance options available, and were moving towards a Mayoral WMCA.

The Controlling Group's preferred option would be 15 + 4 co-optees, as it felt this number was appropriate, inclusive and reflected the 7 District Councils.

Councillor Eustace also supported the option for 15 + 4 co-optees, this number represents the large conurbation of the West Midlands area which is large and unique. The Members from the various areas had always worked well together and this represented the lowest change in numbers. He thought the Fire Authority had done an excellent job and a celebration of its achievements should be held in the future.

The Chair agreed that at an appropriate opportunity it would be a good idea to arrange a celebration and to invite former members of the Authority to attend.

It was confirmed that the change would involve a negotiated process and the Government would be keen to get involved. It was noted that in Manchester the Government negotiated the number of members down from 21 to 10. Representing one Councillor from each District.

If the Authority was reduced down to similar numbers, it would struggle to keep proper relationships and provide Section 41 reports back and manage day to day business.

Councillor Hogarth asked if the plans went through could the Reformed Authority commence in January 2018 or would they be required to wait until June 2018.

Councillor Hogarth had served on the Fire Authority in its present form and previously when it was part of the West Midlands County Council and was proud of the Fire Service. He expressed his sadness on the occasion after years of service.

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However, the Opposition Group supported the option to have 15 plus 4 co-optees and were concerned about political balance and felt that the new Authority should be made up of the best and most experienced Authority Councillors to represent the people of the West Midlands and to assist the CFO.

The Chair confirmed that the timeline allowed for the change to take place at the earliest opportunity, however, to make the change mid-year would be problematic and it would be neater to change in June 2018 in fairness to Members and Leaders.

The final stage of Elected Mayor control would be negotiated but was expected to take place in the Autumn of 2018. The dates proposed in the timeline were an indication, but in Manchester it took a year for the changes to take place,

In response to a member's enquiry about the numbers included in the Elector/member ratio of proposed RFA models, it was confirmed that the figures quoted represented those Electors on the electoral roll and Electors who were becoming eligible to vote. It was noted that not all members of the population were on the Electoral Roll but that the Secretary of State dictates how the figures are prepared.

The Chair confirmed that the figures used in 1985 and currently were those of the voting population.

The CFO appreciated the kind comments about the Authority and Service and stated that the Fire Sector was experiencing an accelerated pace of change. The National Framework was due to be reviewed and further expectations were required from the government. The CFO also appreciated the guidance, direction and support given by the Authority to himself and officers and acknowledged the difficult choices that had been made due to a 50% cut in funding. However, the Service had maintained and indeed improved its service delivery, whilst soaking up risks internally.

The Authority members, longstanding and new, would be required to provide strategic guidance during the challenging period ahead.

The Authority unanimously agreed the Governance model comprising 15 members (plus inviting 4 non-elected members).

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Resolved that:

1. the approval of the West Midlands Combined Authority (WMCA) Board Paper – Route Map to Mayoral WMCA Governance submitted to the WMCA Board on the 3 March 2017 be noted.
2. the direction that this sets in the strategic direction of The Plan 2017-2020 be noted.
3. the direction, process, timeline and approach to the reform of West Midlands Fire and Rescue Authority be approved.
4. an application to the Secretary of State be submitted, for amendment to the Local Government Act 1985 Schedule 10. This will be in line with the RFA proposal set out in this paper, which it considers to be the most appropriate to lead the Service through to a Mayoral WMCA arrangement be approved.
5. a proposal for the future RFA to take effect at the earliest opportunity following Secretary of State approval. This will be no later than the June 2018 Annual General Meeting (AGM) if the Authority is agreed.
6. subject to the approval of 4 above, the Authority to delegate authority as required to the Clerk and Monitoring Officer to:
 - a) Prepare and submit an application for appropriate revisions to the Local Government Act 1985, Schedule 10 (Part VI) in consultation with the Chair of the Authority;
 - b) Seek appropriate consents for a reduction in the number of appointments to the RFA, from its constituent Local Authority bodies as set out in the relevant application, as well as seeking appropriate appointments of co-opted members to the RFA;

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- c) prepare appropriate draft revisions to the Authority's Constitution, Standing Orders, Committee Structure and Committee Terms of Reference and any other relevant governance documentation for consideration on implementation of the RFA;
- d) Prepare appropriate draft revisions to the Authority's Scheme of Delegation as set out in the Constitution for consideration on implementation of the RFA;
- e) Initiate a review of the Members' Allowances Scheme in accordance with statutory requirements
be approved.

31/17 External Audit Work Programme and Scale of Fees for 2017/18

The Authority noted the external audit work programme and scale of fees for 2017/18 audit work to be undertaken by Grant Thornton UK LLP. The scale of fees was set at £38,636 which is the same charge as 2016/17.

There was a high level of consistency with the work programme for 2016/17 consisting of an audit of financial statements, audit work to enable a value for money conclusion and on the Whole of Government Accounts (WGA) return.

From 2018/19 the Public Sector Audit Appointments Limited (PSAA) will make auditor appointments and set fees for bodies that have opted into the national auditor appointment scheme it is developing.

As reported at the Audit Committee held on 27 March 2017, 492 Local Authorities were eligible to "opt in" to the PSSA contract and of those 483 elected to go down this route including the West Midlands Fire and Rescue Authority. The Audit Committee had been updated on the numbers.

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32/17 Contract Awards Summary for Period to 31 March 2017

The Authority noted the Appendix to the report which provided a six monthly summary of all contracts in excess of £250,000 that had been awarded since 1 October 2016.

33/17 Dying to Work Campaign

The Authority noted the Service's response to the Trade Union Congress Dying 2 Work campaign. Dying 2 Work is a Trade Union congress (TUC) campaign to gain support and encourage employers to sign a voluntary charter that sets out how employees will be supported, protected and guided through their employment should they receive a terminal diagnosis.

The CFO stated that the charter reflected the Health and Well-being policies already in place in West Midlands Fire Service and the campaign is seeking to encourage all employer's to sign the voluntary charter. The practices set out in the charter are already firmly established and a flexible and individual approach is adopted by the Authority.

The Chair stated there were examples where terminally ill staff have been dismissed by other employers.

The Authority do not take this stance and gave a recent example of where the Authority had assisted a terminally ill member of staff. Signing up to the charter would encourage other employers to sign up.

34/17 Notes of the Policy Planning Forum 16 January 2017

The notes of the Policy Planning Forum held on 16 January 2017 were received.

35/17 Notes of the Joint Consultative Panel held on 6 February 2017

The notes of the Joint Consultative Panel held on 6 February 2017 were received.

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36/17 Notes of the Policy Planning Forum held on 6 February 2017

The notes of the Policy Planning Forum held on 6 February 2017.were received.

37/17 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).

38/17 Planned Procurement Exercises for 2017/18

The Authority received a report for approval of the tender exercise for the provision of various works, good and services to West Midlands Fire and Rescue Authority during 2017/18 for:

- Leadership and Development Programme
- Direct Network Services
- Relocation of Primary Fire Control
- Electrical Works

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

39/17 Following the meeting, the Authority were presented with the Shining Light Award by Diane Dunlevey, Chair, and Jagtar Singh from the Asian Fire Services Association. The Award recognises ten years of support by the Authority for the Association, its Equality, Diversity and Inclusivity policies and preventative work. The Authority were thanked for their strong support at the AFSA Conferences.

The Chair thanked AFSA for the award and appreciated its recognition of the Service. He confirmed that the Authority would continue to support AFSA at their Conferences as they always ran a stunning conference with a quality speakers and wider audience participation.

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10 April 2017

(The meeting ended at 1205 hours)

Contact Officer: Julie Connor
Strategic Hub
West Midlands Fire Service
0121 380 6906

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

1. **MEMBERSHIP OF THE AUTHORITY 2017/2018**

Report of the Clerk.

RECOMMENDED

THAT the report be noted.

2. **PURPOSE OF REPORT**

To advise of the appointments made by the constituent district councils to the Authority for 2017/2018.

3. **BACKGROUND**

The membership of the Authority for 2017/2018 is as set out in the Appendix.

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**

Fire and Rescue Authorities were first established by Section 26 of the Local Government Act, 1985, which provides that such authorities shall consist of members appointed by the metropolitan districts comprised in the relevant county. The number of members to be appointed by each district council is set out in Schedule 10 of that Act.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

[ILO: UNCLASSIFIED]

Background Papers

Letters/emails from district councils.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

Karen Gowreesunker
CLERK

[ILO: UNCLASSIFIED]

Membership of the West Midlands Fire and Rescue Authority
2017/2018

Birmingham

Councillor Gurdial Singh Atwal (<i>Labour</i>)	Councillor David Barrie (<i>Conservative</i>)	Councillor Kate Booth (<i>Labour</i>)
Councillor Andy Cartwright (<i>Labour</i>)	Councillor Lynda Clinton** (<i>Labour</i>)	Councillor Neil Eustace (<i>Liberal Democrat</i>)
Councillor Mohammed Idrees* (<i>Labour</i>)	Councillor Robert Sealey (<i>Conservative</i>)	Councillor Sybil Spence(<i>Labour</i>)
Councillor Fiona Williams (<i>Labour</i>)		

Coventry

Councillor Peter Male (<i>Conservative</i>)	Councillor Catherine Miks** (<i>Labour</i>)	Councillor Seamus Walsh* (<i>Labour</i>)
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Dudley

Councillor Adam Aston* (<i>Labour</i>)	Councillor Nicolas Barlow (<i>Conservative</i>)	Councillor Melvyn Mottram ** (<i>Labour</i>)
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Sandwell

Councillor John Edwards* (<i>Labour</i>)	Councillor Keith Allcock (<i>Labour</i>)	Councillor Christopher Tranter ** (<i>Labour</i>)
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[ILO: UNCLASSIFIED]

Solihull

Councillor S Davis* (<i>Conservative</i>)	Councillor P Hogarth** (<i>Conservative</i>)
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Walsall

Councillor Brian Douglas-Maul** (<i>Conservative</i>)	Councillor Stephen Craddock (<i>UKIP</i>)	Councillor Ann Young* (<i>Labour</i>)
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Wolverhampton

Councillor Greg Brackenridge ** (<i>Labour</i>)	Councillor Paul Singh (<i>Conservative</i>)	Councillor Tersaim Singh* (<i>Labour</i>)
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* Member nominated to answer questions under Section 41 of the Local Government Act 1985 ("Lead" Member).

** Substitute Member nominated to answer questions under Section 41 of the Local Government Act 1985 ("Lead" Member).

Independent Member of the Audit Committee

Mr M Ager

[ILO: UNCLASSIFIED]

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

1. **QUESTIONS ON DISCHARGE OF FUNCTIONS**

Report of the Clerk.

RECOMMENDED

THAT the Authority nominates the members listed below to answer questions on the discharge of the functions of the Authority as required by Section 41 of the Local Government Act 1985.

2. **PURPOSE**

The purpose of this report is to nominate members to answer questions put in the course of proceedings of constituent Councils on the discharge of the Authority's functions (as required by Section 41 of the Local Government Act 1985).

3. **BACKGROUND**

- 3.1 Under Section 41 of the Local Government Act 1985, arrangements have to be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council. Members of that Council can put questions to a Member who is nominated by the Authority for that purpose.
- 3.2 Although the Authority has responsibility for nominating Members, it is normal practice to seek the views of the district councils as to the person they wish to see nominated for this purpose. The nominations received are set out below:-

	<u>Lead Member</u>	<u>Substitute</u>
Birmingham	Councillor Idrees	Councillor L Clinton
Coventry	Councillor Walsh	Councillor C Miks
Dudley	Councillor Aston	Councillor Mottram
Sandwell	Councillor Edwards	Councillor Tranter
Solihull	Councillor Davis	Councillor Hogarth
Walsall	Councillor Young	Councillor Douglas-Maul
Wolverhampton	Councillor T. Singh	Councillor Brackenridge

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 Under Section 41 of the Local Government Act 1985, arrangements have to be made for enabling questions on the discharge of the Authority's functions to be put in the course of the proceedings of any constituent district Council.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications arising from this report.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

Background Papers

Letters/emails from district councils.

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

26 JUNE 2017

1. GOVERNANCE OF THE AUTHORITY 2017/2018

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT amendments to the constitution regarding co-opted and full members of the Fire Authority as set out in section 3.3 and the inclusion of the terms of reference for the Joint Consultative Panel set out at Appendix 1 be approved;
- 1.2 THAT the calendar of meetings for 2017/2018 as set out in Appendix 2 be approved;
- 1.3 THAT no percentage increase be made in Members' Allowances in 2017/18 by way of indexing or otherwise;
- 1.4 THAT the Members' Allowances Scheme for 2017/18 as set out in Appendix 3 be approved;
- 1.5 THAT in the light of the current financial situation, no action be taken for the time being with regard to convening an independent remuneration panel to review the Members' Allowances scheme and that the situation be reviewed prior to the AGM 2018;
- 1.6 THAT the Clerk be authorised to make any necessary consequential amendments to other constitutional documents in the light of decisions made with regard to governance arrangements for 2017/18.

2. PURPOSE OF REPORT

This report is submitted for the Authority to determine its governance arrangements for 2017/18.

3. **BACKGROUND**

3.1 The Authority's political governance arrangements ensure adherence to the following principles:-

- to be best placed to respond to a range of internal and external issues, to deliver on its commitment to value for money and other key objectives in the Authority's strategic planning document, known as 'The Plan'; and
- decision making processes that are open, transparent, accountable and inclusive in line with government expectations on strengthening local democracy.

3.2 As part of the Authorities 'route to future governance' approved on the 20 February 2017, the Authority will open its membership from the June 2017 AGM to three co-opted members and the Police and Crime Commissioner as a full member of the Authority. These members will be invited to take a place on the Authority as soon as is practically possible. Co-opted members will be invited from:

Ambulance Service
Public Health
Mayoral representative

This change forms the beginning of implementing proposals for a Reformed Fire Authority. This was agreed by the Authority as part of the 'route to future governance' on the 10 April 2017.

It is proposed that Article 2 – Members of the Authority be amended as follows:

2.1 (i) *The Authority comprises of 31 members, 27 of whom are elected councillors, three co-opted members and a further membership to be held (on request) by the West Midlands Police and Crime Commissioner. The 27 members will be elected from the seven constituent district councils comprising the West Midlands.*

Inserting:

- (iv) *The Police and Crime Commissioner by virtue of the Policing and Crime Bill 2017, Chapter 2, section 7 may only be appointed to the Authority in response to a request made by the Commissioner to the Authority or, in the case of a sub-committee, to the appointing committee.*

Article 2, section 2.2 Role and functions of members should be amended to include the following:

Co-opted members whilst not full voting members are expected to:

- *Support the Authority in its actions promoting good governance of the Authority, balancing the needs of the whole community of the West Midlands*
- *Support and actively promote the work of the Authority in the provision of fire and rescue services across the whole of the West Midlands*
- *On a regular basis attend meetings of the Authority and any committees/sub committees*
- *Promote Effective Collaboration*
- *At all times, act in accordance with the code of conduct and standing orders for the Authority where applicable*
- *Be actively aware of the issues internal and external relevant to the provision of services to promote a safer, stronger and healthier West Midlands Community.*

- 3.3 The terms of reference for Joint Consultative Panel are to be inserted into the Constitution as a recognition of the role members contribute to in providing guidance to the Employee Relations Framework. The terms of reference are set out in Appendix 1.

3.4 **Programme of Meetings**

The Authority agreed to reduce the number of meetings in 2016/17. The Executive Committee meetings were reduced from eight to four per year. No additional Executive Committees have been required to discuss urgent business. There were six meetings of the Scrutiny Committee and the dates are now in line with the Quarterly Performance Indicator meetings. There were also six meetings of the Audit Committee which have been arranged to suit the financial timelines required for the approval of the Statement of Accounts by the end of July.

Four meetings of the Joint Consultative Panel were scheduled with one meeting being cancelled. One meeting of the Appeals Committee has been held during the year.

The Executive Committee meetings held have been sufficient to deal with normal business such as the delegated roles of the Committee and urgent business. The number of meetings has also catered for three sounding board updates as part of the Future Governance Working Group programme of work. This does not form part of 'normal' Authority business.

A proposed programme of meetings for 2017/2018 is attached for approval as Appendix 2.

3.5 **Members' Allowances Scheme**

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.

- 3.6 There was no pay award to NJC and Local Government Services in 2010/11, 2011/12 and members' allowances were not therefore increased. The scheme does not allow for indexing beyond 1 April 2011 and an Independent Remuneration Panel would usually be convened to review the members' allowances scheme. In the years between 2012/13 and 2015/16 in view of the continuing difficult financial situation faced by the Authority, it was agreed to defer reconsideration of the scheme and to review the situation in 12 months' time. There have been minimal increases in local government pay; however, in view of the continuing financial stringency, it is proposed to affirm the stance taken last year and to defer any review of the scheme for a further twelve months.
- 3.7 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.
- 3.8 The revised members' allowances scheme is attached for approval as Appendix 3.
- 3.9 A diagram showing the proposed governance structure for 2017/18 is set out at Appendix 4. This structure has not changed from the structure approved in 2016/2017.

3.10 **Member Role Descriptions**

The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. Portfolios for the Chair and Vice Chair of the Authority, and the Scrutiny Committee are set out in Appendix 5.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 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 and the Local Government and Housing Act 1989.

6. **FINANCIAL IMPLICATIONS**

- 6.1 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 2017

Fire Authority Meeting April 2017

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

Karen Gowreesunker
CLERK to the Authority

Joint Consultative Panel – Terms of Reference

1. TITLE

The Panel shall be called the 'West Midlands Fire Service Joint Consultative Panel' (JCP)

2. REPRESENTATION

The Panel shall comprise of elected members of the West Midlands Fire and Rescue Authority and recognised elected officials of the Trade Unions/Representative Bodies as follows:

JCP

6 employers and

5 employee side*

2 Fire Brigades' Union

1 Fire Officers' Association

1 UNISON

1 APFO

* subject to having a locally appointed/elected representative

All elected 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 Service he or she shall immediately cease to be a member of the Panel. Any vacancy amongst the employers shall be filled by the Authority. Any vacancy amongst the employees shall be filled by the employee organisations concerned.

3. MEETINGS OF THE PANEL

The Clerk or their representative shall act as secretary to the Panel and be responsible for issuing the calling notices for all meetings and the minutes.

The Clerk shall liaise with the representative from People Support Services on the compilation of the agenda. The People Support Services Manager will consult with the Employees representatives or their representative with regard to the business to be raised.

4. CHAIR

The Chair and Vice Chair of the JCP meeting will be appointed by the Authority. In the absence of the Chair and Vice Chair, a Chair for the Meeting shall be elected by the Employers from amongst the elected members.

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 to the Authority or the Chief Fire Officer as appropriate on any problems which may arise.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on any relevant matter referred to it by the Service or by the relevant employee organisations.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on the application of the terms and conditions of service for employees.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on matters referred to it by the Joint Consultative Committee, including failure to consult and failure to agree as defined in Paragraph 8 E and F of the constitution of the Joint Consultative Committee.
- 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 or the Chief Fire Officer, as appropriate, prior to its submission.

The panel shall operate within approved Authority policy and in accordance with the overall aims and objectives of the Authority, including the Employee Relations Framework, NJC Protocol for good industrial relations and elected members code of conduct. The Panel shall not take any action inconsistent with the decisions of any national or regional negotiating body or committee dealing with conditions or service of employees of the Authority.

7. RULES AND REGULATIONS

That the Joint Consultative Panel (JCP) agenda items are reviewed by the Chair of the Joint Consultative Panel in consultation with the Strategic Enabler (People Support Services) or their representative prior to finalising the agenda.

That the Elected Member group of the Joint Consultative Panel (JCP), after due consideration, make recommendations back to the Service or the Fire Authority as appropriate.

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 Chair and Vice-Chair 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.

The quorum of the Panel shall be one third of the total number of representatives appointed by each side subject to each Trade Union/ Representative Body being represented, however, where the Panel is considering business relating specifically to one Trade Union/ Representative Body that has locally appointed representatives, being represented, however, where the Panel is considering business relating to one Trade Union/Representative Body the quorum of the employees' side shall be one third of the total number of representatives appointed by each side, with no

requirement for each Trade Union/ Representative Body to be represented, provided that the relevant Trade Union/ Representative Body is represented.

In the event of:

- (a) The Panel being unable to arrive at an agreement; or
- (b) The Authority or the Chief Fire officer, as appropriate, 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 Technical Advisory Panel

The panel is a discussion forum with a view to reaching a consensus. It will support and govern the principles set down in the 'Working Together' A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service' document.

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 or Chief Fire Officer as appropriate.

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.

Appendix 2**WEST MIDLANDS FIRE AND RESCUE AUTHORITY****CALENDAR OF MEETINGS 2017/18**

Date	Time	Meeting
2017		
Monday 26 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]
July	9.30 am	Members Induction
Thursday 20 July	2.00 pm	Pensions Board
Monday 24 July	10.30 am	Audit Committee
Monday 4 September	9.00 am 10.30 am 12.30 pm 12.30 pm	Chair's agenda meeting Policy Planning Forum Audit Committee Scrutiny Committee
Monday 18 September	11.00 am to follow	Authority [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 9 October	10.00 am 10.30 am 12.30 pm	Executive Committee Policy Planning Forum Scrutiny Committee
Monday 6 November	9.00 am 10.00 am 1.00 pm	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel (pre meeting tbc)
Monday 13 November	10.30 am 10.30 am	Scrutiny Committee Audit Committee
Monday 20 November	11.00 am	Authority [political groups at 10 am]
Monday 11 December	10.00 am 10.30 am	Executive Committee Policy Planning Forum

2018		
Date	Time	Meeting
Monday 15 January	10.30 am 12.30 pm	Policy Planning Forum Audit Committee
Monday 5 February	9.00 am 10.30 am To follow	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel [pre meeting tbc]
Monday 19 February	11.00 am 12.30 pm	Authority [budget and precept setting] [political groups at 10 am] Scrutiny Committee
Monday 26 March	9.00 am 10.00 am 10.30 am 12.30 pm 12.30 pm	Chair's agenda meeting Executive Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 9 April	11.00 am To follow	Authority [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 4 June	10.00 am 10.30 am 12.30 pm 12.30 pm	Executive Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 11 June	10.00 am	Agenda Meeting
NEW MUNICIPAL YEAR Monday 25 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]

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

West Midlands Fire and Rescue Authority**Members' Allowances Scheme**

The West Midlands Fire and Rescue Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:–

1. This scheme may be cited as the West Midlands Fire and Rescue Authority Members' Allowances Scheme and shall have effect for the period from 23 June 2008 until 31 March 2009 and in subsequent years from 1 April to 31 March.

2. In this scheme:–

'Councillor' means a member of the West Midlands Fire and Rescue Authority who is appointed by the City Councils of Birmingham, Coventry and Wolverhampton and the Metropolitan Borough Councils of Dudley, Sandwell, Solihull and Walsall;

'Independent Member' means a person who is not a member of the Authority but who is a member of a Committee or Sub-Committee of the Authority.

'Year' means the 12 months ending with 31st March.

3. **Basic Allowance and Independent's Allowance**

Subject to paragraph 6, for each year:–

- (i) a basic allowance of £3,500.00 shall be paid to each Councillor;
- (ii) a co-optee's allowance of £350 shall be paid to each independent member on the Audit Committee.

4. **Special Responsibility Allowances**

- (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme;

- (ii) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule;
- (iii) Where a Councillor holds more than one position for which a Special Responsibility Allowance is payable, only one such allowance shall be paid to the Councillor concerned.

5. **Dependants' Carers Allowance**

- 5.1 A Dependants' Carers Allowance is payable to those elected members and independent members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 3 of this Scheme.
- 5.2 The amount of the dependants' carers allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

6. **Renunciation**

A Councillor or an independent member may, by notice in writing given to the Clerk, elect to forego any part of his/her entitlement to an allowance under this scheme.

7. **Part Year Entitlement**

Basic Allowance and Independent's Allowance

Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a member subsists bears to the number of days in that year.

Special Responsibility Allowance

Where a member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance, his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

Backdating

Where an amendment to this scheme is made which affects an allowance payable for the year in which the amendment is made, the entitlement of a member to such allowance, as amended, may at the discretion of the Authority, be backdated to apply with effect from the beginning of the year in which the amendment is made.

8. **Subsistence Allowances**

Members of the Authority and independent members may claim subsistence allowances in connection with or relating to the duties set out in Schedule 2 to this scheme.

Lead members [as identified in Schedule 1] may claim subsistence allowance for attendance at meetings and events in pursuance of their official duties outside of the West Midlands but within the UK.

Members shall only claim allowances for actual expenditure reasonably incurred in connection with approved duties.

Members must submit receipts to substantiate all claims for subsistence allowances.

For approved duties the following rates apply:-

- (i) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 am) £4.92
- (ii) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00 pm) £6.77
- (iii) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm) £2.67
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence ending after 7.00 pm) £8.38

The rates set out above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Authority.

Members who undertake duties involving an overnight stay should, wherever possible, ensure that their accommodation is pre-booked by officers in accordance with the Authority's normal administrative arrangements. If members book their own accommodation, this is subject to a maximum level of reimbursement as specified below:-

Allowance for absence overnight from the usual place of residence
£79.82 per night

Allowance for such absence in London
£91.04 per night

9. **Travelling Allowances**

Elected members of the Authority may claim travel allowances only in respect of 'approved duties' [as set out in Schedule 2 to this scheme] which involve travel outside the West Midlands but within the UK. Members holding a special responsibility allowance may claim travel allowance for attendance at meetings and events in pursuance of their official duties outside the West Midlands but within the UK.

Independent persons may claim travelling allowances in respect of costs incurred in connection with or relating to the duties set out in Schedule 2 to this scheme.

Motor Mileage Allowances

The rates for motor cars are as follows:-

Not exceeding 999cc – 34.6 pence per mile

1000 - 1199cc – 39.5 pence per mile

Over 1199cc – 45 pence per mile

After 10,000 business mile the rate becomes 25 pence per mile

Passenger Supplement - for passengers (not exceeding 4), a supplement of 5.0 pence per mile is payable

Claims for journeys undertaken by motor car may include any reasonable car parking fees and congestion charges if applicable.

Public Transport

The actual cost of public transport used by members will be reimbursed by the Authority where such costs are reasonably and necessarily incurred in connection with approved duties. Receipts will be required to substantiate such claims based on the actual expenditure incurred.

Members who travel outside the West Midlands in connection with approved duties by rail, ship or air shall be required to have their travel arrangements pre-booked by officers under the Authority's normal administrative arrangements. The Clerk, in consultation with the Chair of the Authority, may authorise exceptions to this in cases where it is considered beneficial to the Authority for members to make their own transport arrangements. As a general rule, for members travelling by rail, standard class tickets should be purchased. Receipts will be required to substantiate any such claims based on the actual expenditure incurred.

Taxis

Taxi fares (plus a reasonable gratuity) will be reimbursed only if the taxi was used in a case of urgency, or if there was no public transport reasonably available, or if taxi use was justified by the nature of the business on which the member was engaged.

10. Indexation of Allowances

The rates of allowances will be increased with effect from 1 April 2009, 2010, 2011 in line with the agreed pay awards to NJC Local Government Services.

11. Claims and Payments

- (i) All claims for travelling and subsistence allowances under this scheme shall be made within **three months** of the date of the approved duty in respect of which the entitlement to the allowance arises. Payment of late claims may only be made if the Clerk, in consultation with the Chair of the Authority, is satisfied that the lateness of the claim is justified.
- (ii) Any claims for travelling and subsistence allowances shall be signed by the Councillor claiming the allowance and shall include a statement that where the member is also a member of

another authority, that member may not receive allowances from more than one authority in respect of the same duties.

- (iii) In certain cases, where overpayments have been made to any individual to which this scheme relates, the Authority may require repayment of the overpayment.
- (iv) In regard to the payment of basic and special responsibility allowances, payments shall be made as follows:–

(a) **Basic Allowance**

In instalments of one-twelfth of annual amount due, payable on the 25th day of the month (or nearest working day);

(b) **Special Responsibility Allowance**

In instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month (or nearest working day) (except where specified otherwise in Schedule 1)

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**Schedule of Special Responsibility Allowances 2014/2015**

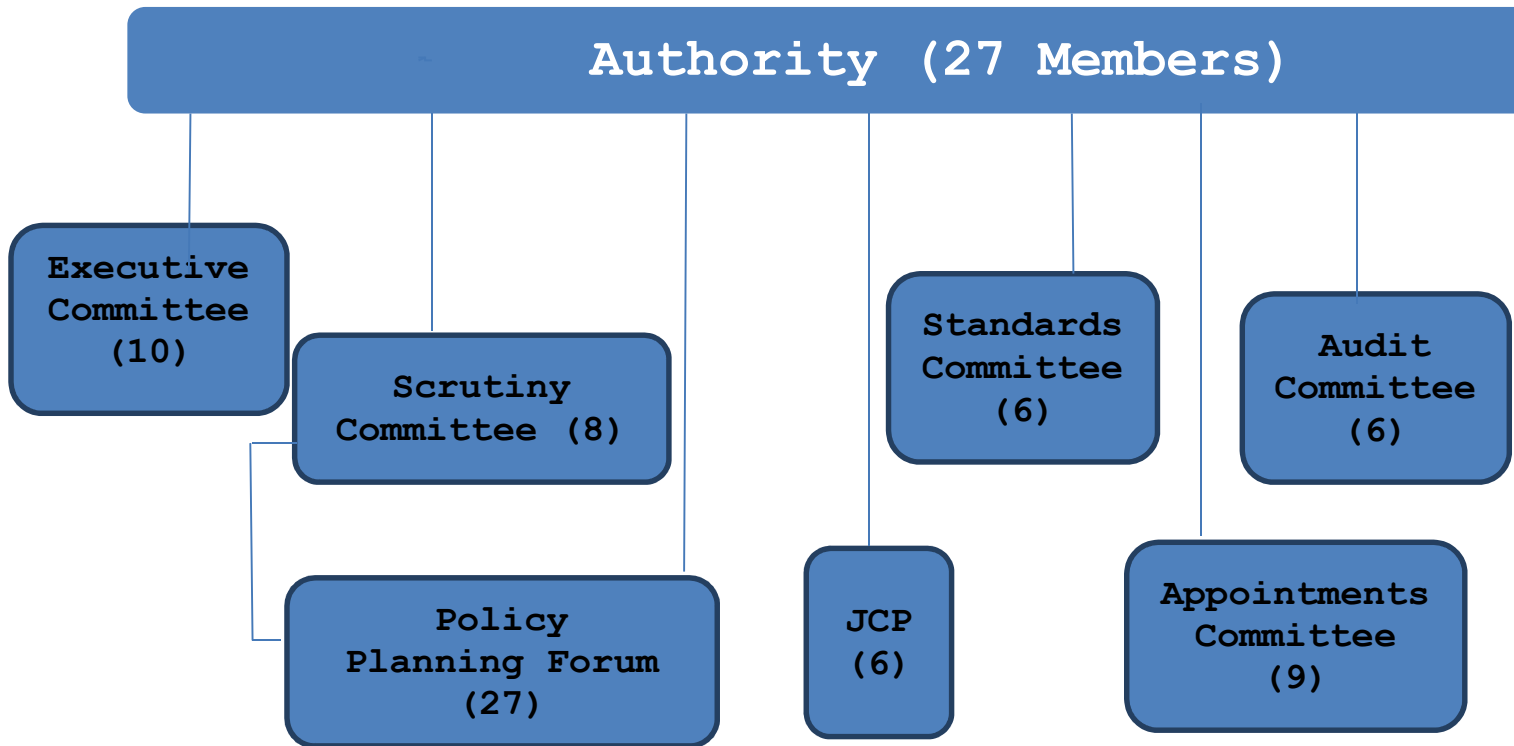
Responsibility	SRA (£)
Chair	24,500
Vice-Chair	12,250
Leader of Principal Opposition Group	7,350
Executive Committee Member	4,900
Scrutiny Committee Chair	8,575
Scrutiny Committee Vice-Chair	6,575
Scrutiny Committee Member	4,900
Joint Consultative Panel Chair	8,575
Joint Consultative Panel Vice-Chair	3,975
Appeals Committee Chair	4,900
Appeals Committee Vice-Chair	2,450
Audit Committee Chair	8,575
Audit Committee Vice-Chair	3,975
Standards Committee Chair	4,900
Elected Member Basic Allowance	3,500

Independent's allowances	
Independent Member of the Audit Committee	350

Schedule 2**Approved Duties**

The following are “approved duties” in connection with the payment of travelling and subsistence allowances:

- 1) A meeting of the Authority or of any Committee or Sub-Committee of the Authority.
- 2) A meeting of any other body to which the Authority or any Committee or Sub-Committee of the Authority makes appointments, or nominations, or any Committee or Sub-Committee of such a body.
- 3) Any other meeting, the holding of which is authorised in advance by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee of the Authority or one or more other Committees or a Sub-Committee of such a joint Committee provided that members of at least two political groups have been invited to attend.
- 4) A meeting of any association of authorities of which the Authority is a member.
- 5) Attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit or at any other meeting authorised by the Authority.

Appendix 4

MEMBER ROLE DESCRIPTIONS 2017/2018

Chair of the Authority

To provide overall political leadership and strategic policy direction to the Authority.

To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair the Executive Committee, Appointments Committee and Chair's Committee and any other meetings as required by the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take overall political responsibility within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Corporate Risk Management and the Integrated Risk Management Plan (The Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Equality and Diversity;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To oversee the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To ensure the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To champion the promotion and maintenance of high standards of conduct throughout the Authority.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

Vice-Chair of the Authority

To support and assist the Chair of the Authority to provide overall political leadership and strategic policy direction to the Authority.

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair the Authority, relevant Committees or other meetings as may be required, in the absence or inability to act of the Chair of the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To support and assist the Chair of the Authority to fulfil his/her overall political management responsibilities within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- Policy and budgetary strategy formulation;

- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Risk Management and the Integrated Risk Management Plan (Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Equality and Diversity;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees or Panels.

To assist and support the Chair in the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To assist in ensuring the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

Chair of the Scrutiny Committee

To lead the work of the Committee in conjunction with the Vice-Chair.

To agree with the Committee at the start of each year a programme of reviews.

To maintain the independence of the Committee and ensure that scrutiny develops as an open and transparent process.

To chair meetings of the Committee ensuring that topics for review are properly scoped and that reviews are completed within agreed timescales.

To ensure that scrutiny is carried out on a non-party political basis and that all members of the Committee participate in the work of the Committee.

To ensure that recommendations from the Committee are evidence based and objective and based on SMART principles (specific, measurable, attainable, realistic and timely).

To present the outcomes and recommendations of reviews to the Executive Committee of the Authority.

To oversee the implementation of recommendations that are accepted by the Executive Committee.

To ensure that members of the Committee have access to training and development on the principles of good scrutiny, equalities and diversity and relevant human resources issues.

To ensure that the Committee acts as a 'critical friend' to non-scrutiny members and officers of the Authority.

To have responsibility, in consultation with the Director of Resources, for the Committee's scrutiny budget.

Vice-Chair of the Scrutiny Committee

To chair the Committee in the absence of the Chair.

To represent the Chair in her/his absence at other Authority meetings.

To support the Chair in review meetings by assisting in the development of appropriate evidence-based recommendations.

Responsibilities of Elected Members of the Joint Consultative Panel

1. Background

West Midlands Fire and Rescue Authority is a statutory body that has a legal duty to provide services as defined by the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 through West Midlands Fire Service (WMFS).

The Fire Authority is the employer for WMFS and the supervisory body which ensures that WMFS performs efficiently and in the best interest of the public and community it serves.

In order to have in place a formal consultation mechanism WMFS, in consultation with the Trade Unions/Representative Bodies, has developed the Employee Relations Framework. Included within the policy is a constitution for a Joint Consultative Committee and a re-established Joint Consultative Panel.

The Employee Relations Framework has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between WMFS and its recognised Trade Unions/Representative Bodies. It is not legally binding, but relies on all parties to work within a spirit of co-operation.

The Joint Consultative Committee (JCC) meetings between managers and Trades Union Officials will take place initially monthly but depending on the needs of the organisation this may be reviewed. This will support the employee involvement process but it does not detract from a manager's responsibility to make decisions. It defines the process for getting employees views prior to decisions being made.

The Joint Consultative Panel provides an opportunity for employee representatives and the employing Authority to comment on matters relating to the conditions of employment of employees of the Service. It also provides a forum for discussion to assist in the consultation process.

2. Purpose

The Joint Consultative Panel provides a means where elected members of WMFRA, Principal Officers of WMFS and Trade Union/ Representative Body representatives who are representatives of WMFS employees, come together on a regular basis to discuss issues of mutual concern. This panel may have items referred to it from the Joint Consultative Committee as part of the negotiation or consultation process. However, a majority of the items considered will be for consultation.

This panel will consider and make recommendations on:-

- any relevant matter referred to it by the Service or by the relevant employee organisations.
- any Employee Relation issues which may arise. (In these circumstances the issue must have been considered at Joint Consultative Committee and if there is an outstanding dispute, as per the Terms of Reference, the dispute may be registered with the organisation).
- the application of the terms and conditions of service for employees.

The Joint Consultative Panel supports and governs the principles set out in the “Working Together” A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the service, its employees, and local communities. WMFS supports the application of these principles for recognised Representative Bodies.

The principles within the Working Together document identify the need for joint commitment from Trade Union Officials and the organisation by defining how the individual representatives will engage and work together to the success of the business.

3. Consultation

Consultation: For the benefit of this process, consultation (as defined in the Employee Relations Framework) goes beyond communication and involves managers actively seeking and then taking account of the views of employees' representatives before making a decision.

Managers are obliged to seek acceptable solutions to problems through a genuine exchange of views and information.

The responsibility for decisions remains at all times with the employer and does not remove the right of managers to manage and make the final decision. Managers must be aware of the need to consult and Trade Union/Representative Body representatives must be aware of the need to respond.

Items may be referred to the Joint Consultative Panel as 'a failure to consult'. The Joint Consultative Panel needs only to consider if appropriate consultation has taken place and not what the outcome of the consultation should be.

The Trades Union will be responsible for identifying where they believe the lack of consultation has taken place. The Strategic Enabler (People Support Services) or delegated representative will provide an audit trail demonstrating the consultation that has taken place and its appropriateness. It is important to stress that a 'failure to consult' should not be considered by the Joint Consultative Panel if it is clear that a consultation process has been used but the Trades Union/ Representative Bodies have chosen not to attend or did not send a deputy.

4. Negotiation

Negotiation: For the benefit of this process negotiation is defined in the Employee Relations Framework as the process by which employers and Trade Union/Representative Body representatives seek to reach agreement through collective bargaining. It requires an agreement to be reached. Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment.

5. Process for Failure to Consult

In the case of consultation, if Trade Union/ Representative Body representatives believe there has not been appropriate consultation they can refer the matter to the Joint Consultative Panel. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. The recommendation of the Joint Consultative Panel will only relate to whether appropriate consultation has taken place.

The information relating to the 'Failure to Consult' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/Representative Body representative will present the reasons why they have raised the dispute and the management representative will clarify the consultation process used.

Deliberation will take place, see section 7. The process for consultation is defined within the Employee Relations Framework.

6. Process for Failure to Agree

In cases of negotiation, items will be referred to the Joint Consultative Panel if the Joint Consultative Committee has failed to reach an agreement. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. In this situation the Joint Consultative Panel will need to consider the 'failure to agree' and make a recommendation which would be considered by the Authority or Chief Fire Officer prior to it becoming contractual.

The information relating to the 'Failure to Agree' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will be given the opportunity to clarify why it was necessary to make that decision taking into consideration the needs of the organisation to provide a quality service as efficiently and effectively as possible contributing to making the community safer.

7. The Elected Member group will adjourn to consider the presentations made. If further information is required both parties will be called back to the Elected Member group even if the query relates to one side. The Elected Member group will then give their decision on their recommendation back to the Service.

The Elected Members may be assisted by a Technical Advisor. The advisor and the representative from the Clerk to the Authority will adjourn with the panel. The Technical Advisor and Clerk are not part of the decision making process. Their role is to give advice on the Service's policy, process or interpretation of legislation

The presenter of the management case must not be the adviser to the panel.

8. Declaration of Interests

Pecuniary and other interests should be declared at the beginning of each meeting under 'Declaration of interests'. Where a member has a personal interest in the outcome of any item referred to the Joint Consultative Panel, they should declare this at the beginning of the meeting under the standing item on the agenda.

9. Confidentiality

Elected members are bound by the Model Code of Conduct. This Code of Conduct should be considered prior to any discussions or conversations with Trade Union representatives outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

10. Decision Making

The General Principles underlying within the Code of Conduct outline the considerations for elected members when making decisions. Elected members should consider carefully how their decisions might affect the community, Service and other stakeholders/partners. Members should strive to operate as a team in which constructive working relationships are actively promoted.

11. General

Elected members have a responsibility to actively promote good employment relations and lead by example through their actions and conduct. Individual Fire Authority Members will actively promote good employment relations through their own actions and behaviours in accordance with the Members' Code of Conduct and the Service's core values in respect of their communications with the Trade Unions/ Representative Bodies.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

Item 10

1. REVIEW OF STATUTORY MONITORING OFFICER PROVISION

Report of the Chief Fire Officer.

RECOMMENDED

THAT the Authority approves the preferred option, of a Monitoring Officer provided through a constituent member of the West Midlands Combined Authority – Wolverhampton City Council, for the year June 2017 to June 2018. This provision will be reviewed prior to the June 2018 AGM.

THAT the Clerk to the Authority be provided with the approval to make the changes required to the constitution and Monitoring Officer Memorandum of Understanding (MOU), following approval of the Authority's preferred option.

2. PURPOSE OF REPORT

This report is submitted for the Authority, in considering all relevant options for the delivery of the Monitoring Officer role, to determine the most appropriate option for provision to be implemented prior to September 2017.

3. BACKGROUND

- 3.1 As set out in the Local Government and Housing Act 1989 (Section 5) and the Local Government Act 2000 (Schedule 5), a Monitoring Officer is a statutory role and has the specific duty to ensure an Authority, its officers and its elected members, maintain the highest standards in all that they do.
- 3.2 The purpose of the Monitoring Officer role is to enable the safeguarding, as far as possible, of members and officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

- 3.3 Since the formation of the Authority in 1985, the role of Statutory Officers and Democratic Services for the Authority have been provided through Sandwell Metropolitan Borough Council (MBC). This approach changed in April 2014, when the role of Section 151 Officer, Clerk and Democratic Services were bought in house. This change resulted in an approximate saving at the time of £60,000 per annum. The role of Monitoring Officer for the Authority continued to be provided by Sandwell MBC through the then Assistant Chief Executive.
- 3.4 During 2016/2017 the then Monitoring Officer for the Authority left the employment of Sandwell MBC and the role of Monitoring Officer was temporarily assumed by the Deputy Monitoring Officer. This role continued to be maintained through Sandwell MBC. This temporary arrangement was put in place mid Authority year with the intention for review at the June 2017 AGM.
- 3.5 The Authority's constitution Article 13 and part 3, Scheme of Delegations sets out the roles and delegations of the Monitoring Officer.
- 3.6 A Memorandum of Understanding (MOU) developed following the change in provision in 2014, enables a more integrated and effective approach to dealing with and engaging in Authority business.

4. **FUTURE GOVERNANCE**

- 4.1 There are several options to consider in the review of the Monitoring Officer role. These options are listed paragraph 6.1. A key consideration when evaluating each of the options is the direction of governance for the Authority in the future.
- 4.2 Amidst the changes instigated by the Policing and Crime Act 2017 and the government's direction around reform for the Fire Sector, the Authority at its meeting on 20 February 2017 agreed its future governance route towards Mayoral WMCA governance. This route was further supported by the WMCA at its board meeting on the 3 March 2017.

- 4.3 This has set a path for change for the Authority and West Midlands Fire Service (the Service), which will not only impact upon the future governance of the Service, but also the provision of its services to local communities in its widest sense.
- 4.4 The reform of the Fire Authority was a key element in the route to Mayoral WMCA governance and following unanimous agreement at a full Authority meeting on 11 April 2017, the process to enable this has already begun through engagement with each of the seven local authority leaders, invites to proposed co-opted members and the Police and Crime Commissioner. As an outcome of this report, a formal request has been sent to the Secretary of State to enable an amendment to the Local Government Act 1985 which currently dictates the size of the Authority.
- 4.5 Following the election for the West Midlands Mayor on 4 May 2017 and the appointment of Andy Street as the West Midlands Mayor, engagement has already begun to enable early understanding of the direction of the Authority in its route to future Mayoral governance.
- 4.6 **Current Provision**
- 4.6.1 The provision of Monitoring Officer Services has been provided through Sandwell MBC to date. The MOU provides a basis on which to guide, monitor and evaluate Monitoring Officer services on a regular basis. The MOU is detailed in Appendix 2. Whilst the MOU sets out the legislative and process requirements of this role, aligned to the Constitution and Local Government Act, it also highlights the necessary behavioural and relationships requirements of the role.
1. The relationship of Officers with both the Monitoring Officer and Deputy Monitoring Officer should enable:
 - a. a proactive and trusted approach to supporting and advising the Service
 - b. a focus on promoting corporate health, it is vital that the Monitoring Officer, Deputy Monitoring Officer, Members and Officers have excellent

working relations, to enable the effective discharge of duties.

- c. a speedy flow of information and access to discussion, particularly in the early stages of decision making, will assist in this.

4.6.2 The current Monitoring Officer provision has developed positively since 2014 in supporting Authority business. The development of positive working relationships between members, officers and the Monitoring Officer has contributed significantly to this progress. Whilst the background of the current Monitoring Officer is not one of local authority governance, performance in role has demonstrated alignment to the Authority's strategy and approach, as well as commitment to our direction and a trusted provider.

4.6.3 On implementation of the temporary Monitoring Officer arrangement in 2016/17, additional requirements were agreed to increase clarity in the 'amount' of provision required from the Monitoring Officer role. Currently the Monitoring Officer role is expected to provide two days' dedicated resource to the Authority over a four week period outside of 'normal' Authority business.

4.6.4 As progress continues to enable the Authority's route to future governance to be achieved, the Monitoring Officer role will require additional time and capacity to support a dedicated resource in discussing, understanding and enabling progress across some of the more technical areas of work.

5. **KEY REQUIREMENTS OF THE MONITORING OFFICER ROLE**

5.1 There are several factors to consider when reviewing each of the options for future provision, in addition to the changing direction of governance. It is difficult to rate these in order of importance, but the preferred option should provide a sufficient blend of skills, knowledge and understanding which will proactively support the Authority in its route to future governance. Key requirements are:

1. Skills and experience in the role of Monitoring Officer and ability to deliver the statutory requirements of a Monitoring Officer, as well as further expectations required by the Authority and CFO as set out in the MOU.
2. An engagement with and understanding of the changes taking place across public services within the West Midlands and particularly aligned to the WMCA.
3. Capacity to support not only 'usual' Authority activity, but also work required as part of the Authority's route to future governance.
4. Consistency and development of effective relationships with officers, members and external stakeholders.
5. A sound understanding of the future governance route and arrangements - therefore supporting future transition.
6. Knowledge of the Fire Sector and particularly of the Service. This would need to be well developed to enable governance support that enables the effective delivery of services.
7. A good understanding of the challenges faced by the Authority and Service, in the delivery of its Service Delivery Model across the wider public service arena.
8. The appointment of a deputy Monitoring Officer (essential).

These requirements ensure that the Monitoring Officer is well placed to advise on and support Authority decisions from an informed perspective.

6. **OPTIONS FOR FUTURE PROVISION**

- 6.1 Whilst each of the options below would provide the Authority with a Monitoring Officer resource which meets the statutory requirements of the role, each option should be considered in the context of the key requirements, risks and opportunities.

Option 1: Maintaining current Monitoring Officer provision through Sandwell MBC

Option 2: Monitoring Officer provided through a constituent member of the West Midlands Combined Authority – Wolverhampton City Council

Option 3: Independently sourced Monitoring Officer provision

To explore these options further a set of broad question areas were posed to each provider (where possible) aligned to the key considerations for this role. These broad areas sought to determine how each option would provide:

6.2 **Skills and experience:**

Understanding and experience operating within a Local Authority governance structure and of a Monitoring Officer role.

6.3 **Capacity:**

The provision of focused capacity and support to the Fire Authority to enable it to navigate process and legal steps required for not only the operation of the Fire Authority, but also its route to future governance.

Specific capacity, but more flexibility in time and support to enable the development of key relationships which will support progress, i.e. Fire Authority, Officers, local and central government officers.

The appointment of a deputy to support the role of Monitoring Officer.

6.4 **Knowledge – Organisational and Legislative:**

Support a developed understanding and knowledge of how key organisational factors will impact on future governance change.

Provide a developed knowledge of the critical legislation and statutory processes which support governance of the Fire Authority, as well as the legislation which enables governance change.

Developed understanding of how the public service landscape in the West Midlands will impact upon the Fire Authority's governance change.

- 6.5 **Relationships** are a critical element to the current MOU and would be central to the key considerations of each option.
- 6.6 **Finance** also forms part of each option appraisal and is set out in more detail in section 10.

Where possible these areas were discussed with potential providers to provide an evidence base around the assessment suitability.

7. **SUMMARY AND PROPOSED PREFERRED OPTION**

Each of the options highlighted in section 6 and detailed in Appendix 1, have been considered against the key requirements of the role, aligned to the strategy of the Authority and its changing environment. Option 2 is recommended to the Authority for the provision of future Monitoring Officer services.

A Monitoring Officer provision through Wolverhampton City Council meets all the key requirements set out in section 5 and will provide added value in wider public service awareness, alignment to the combined authority, experience of governance change and ongoing direct involvement in managing the process and legal steps for devolution. This option will not only support the Authority in the 'usual' requirement of a Monitoring Officer role, it will enable the Authority to progress effectively through its timeline to transferring governance to the Mayor.

It is recommended that this option is implemented in sufficient time to enable the new provider to come into post for the September Authority meeting. This will allow the Clerk to close off current arrangements and establish a MOU for new arrangements in agreement with the new provider.

A report will be tabled for the September Authority to inform members of the new arrangements.

8. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required.

9. **LEGAL IMPLICATIONS**

The recommendations in this report supports the Authority in maintaining the statutory role of Monitoring Officer as set out in the Local Government and Housing Act 1989 (Section 5) and the Local Government Act 2000 (Schedule 5). As highlighted earlier in the report this role has the specific duty to ensure an Authority, its officers and its elected members, maintain the highest standards in all that they do.

This change in arrangements continues to support the Authority in delivering the 'Principles of Good Governance'.

10. **FINANCIAL IMPLICATIONS**

- 10.1 The provision of a Monitoring Officer and Deputy Monitoring Officer through Sandwell MBC (option 1) incurs a cost of approximately £10k per annum. Currently the Deputy role is not being provided for.
- 10.2 The provision of a Monitoring Officer and Deputy Monitoring Officer through Wolverhampton City Council (option 2) would cost approximately £10k per annum. This option would also provide the skills and capacity to support the route to and transfer of future governance to Mayoral arrangements. Any costs incurred for this additional work would be met from existing budget provisions established to support work associated with the Combined Authority arrangements.
- 10.3 An independently sourced Monitoring Officer and Deputy Monitoring Officer provision (Option 3) is anticipated to cost approximately £40k per annum.

11. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications as a result of this paper.

BACKGROUND PAPERS

20 February 2017, Route Map to a West Midlands Combined Authority Mayoral (WMCA) Governance Report

10 April 2017, Route Map to Mayoral WMCA Governance – A reformed Fire Authority

KAREN GOWREESUNKER 0121 380 6678

PHIL LOACH
CHIEF FIRE OFFICER

APPENDIX 1

Appraisal of relevant options for Monitoring Officer provision

Option 1 seeks to maintain the current provision of Monitoring Officer through Sandwell MBC, provided by a member of the Legal department. This individual also provides employment law services to both Sandwell MBC and the Service.

The Monitoring Officer has a depth of knowledge of the Service and of the strategic direction the Authority has set. The involvement of the current Monitoring Officer in key governance work streams is providing a valuable resource in supporting the work required to progress the future governance route. Exposure and wider understanding of the Mayoral and WMCA is currently limited.

The Monitoring Officer has and continues to build effective working relationships across the Service and Authority and as such can advise on Authority business, as necessary, from a wider informed perspective.

Outside of supporting usual Authority business, the capacity of the current Monitoring Officer has been limited. The Authority currently receives 2 additional days' support per month as per revised arrangements. Whilst attentive to the needs of Authority business, the Monitoring Officer does not have dedicated working day(s) to support Authority work outside of 'usual' business. This impacts on the ability of the Monitoring Officer to develop the right relationships outside of the Service and has the potential to delay progress of work.

The added value in this current provision exists in the understanding and knowledge the Monitoring Officer has with, and of, the organisation, the Authority and its strategic direction. The Monitoring Officer is a trusted provider which is a critical basis for positive working relationships and is forming a developing knowledge of governance and emerging changes.

If this option is continued capacity will increase to 1 day per week on site, outside of normal Authority meetings. This will be designed to support the governance work required as part of current and future changes.

This will also support progression of work as conversations and joint work can be scheduled resulting in less repetition. However, as we move further into the timeline for governance change, requirements around capacity are likely to increase and will require more flexibility and agility. If this cannot be achieved this has the potential to impact on how effectively the Authority will progress through its timeline to Mayoral governance.

The continuation of this option would require the appointment of a suitable Deputy Monitoring Officer. This role would be guided by the MOU and would need to establish an effective working relationship with the Monitoring Officer. It is not envisaged the Deputy Monitoring Officer would be provided from within SMBC and as such would require another approach to ensure appointment. This may require considering option 2 or 3 to implement this arrangement which will incur additional time and costs.

If this option is implemented the current MOU will require review and amendment to reflect the future requirements of the role. This will focus on the requirements of the role in supporting future governance change.

Option 2 provides a different approach to provision which will be aligned to a constituent member of the WMCA, through Wolverhampton City Council (Wolverhampton CC), Managing Director.

This option will provide an experienced Monitoring Officer with a substantial resource supporting the legal skills, knowledge and experience requirements of this role for the Service. The critical role Wolverhampton CC has played in setting up and progressing the Mayoral WMCA will provide an invaluable wealth of knowledge and experience of not only governance change, but also devolution. This would provide significant support for the Authority's route to future governance.

This option will provide a Monitoring Officer who has a sound understanding of the Service, its strategy, its governance journey and background, but perhaps limited understanding of the Fire Sector. However, as previous providers of the Monitoring Officer role have begun from the same position, this should not be considered a barrier in considering this option.

The Managing Director of Wolverhampton CC already has established working relationships with officers and some members of the Fire Authority. This will enable a sound base to work from against the expectations set out in the current MOU.

The working relationships established outside of the Service across the WMCA, its 7 constituent councils and wider, will again provide significant value to supporting the background work required to enable future changes in governance of the Service. As such there will be greater access to wider capability and capacity, to progressively support this change.

If this option is implemented the current MOU will require amendment to reflect changes in requirements of the role, as well as the change in arrangements. This will focus on the requirements of the role in supporting future governance change, as well as providing an agreement in arrangements enabling prioritised access to focused legal governance advice and support.

This option will as with all other options require the appointment of a Deputy Monitoring Officer aligned to the requirements set out in an amended MOU. An effective working relationship with the Monitoring Officer will be essential. This resource can be provided from within Wolverhampton CC, providing the right level of alignment and support to the Monitoring Officer.

Option 3 seeks an Independent Monitoring Officer resource which is recruited for and service provided on a contractual basis.

This option will require a full recruitment process and will be managed through a contract of employment. This will require an upfront investment in time and financial resource. This approach can be enabled using a tailored and targeted approach to gain the most value from the recruitment process.

A targeted approach if successful should provide a Monitoring Officer which will fit most of the 'usual' Monitoring Officer roles requirements, as well as a sound local authority governance background.

Gaps however may exist at the outset in the individual's understanding of the Service, its strategy and future governance journey.

There may also be gaps in established working relationships, which will need upfront investment in time and commitment to develop. This presents a risk to how quickly this option can 'hit the ground running' which could impact on the pace and ability of the Authority to deliver change. The full suitability of a candidate cannot be truly tested until in role.

Terms and conditions of the Monitoring Officer role aligned to this option would need to be attractive enough to target the 'right' candidate for the role. Accountability, areas of responsibility aligned to contracted hours and salary would be prime considerations. As such this option is likely to require an increased financial investment when compared to options 1 or 2.

If this option were to be implemented the MOU would be strengthened to form part of a contract of employment. This and a strong role description would support the approach to managing performance in this role.

This option would (as with other options) require a Deputy Monitoring Officer to also be appointed. Depending on the route take to fill this position this could also incur additional costs.

APPENDIX 2

Memorandum of Understanding for the Provision of the Monitoring Officer function to West Midlands Fire and Rescue Authority

18 September 2015

1. Introduction

- 1.1 This Memorandum of Understanding sets out the broad intentions and specific functions that the Monitoring Officer to West Midlands Fire and Rescue Authority (WMFRA) will provide. The Monitoring Officer role is provided by the Assistant Chief Executive, Sandwell Metropolitan borough Council.
- 1.2 As set out in the Local Government and Housing Act 1989 (Section 5) and the Local Government Act 2000 (schedule 5), the Monitoring Officer has the specific duty to ensure West Midlands Fire and Rescue Authority (WMFRA), its officers and its elected members maintain the highest standards in all that they do. The WMFRA Constitution sets out the specific roles and responsibilities of elected members and officers in the governance of WMFRA.

2. Purpose and Role

- 2.1 The purpose of the Monitoring Officer Role is to enable the safeguarding, as far as possible, of members and officers whilst acting in their official capacities from legal difficulties and/or criminal sanctions.
- 2.2 The Monitoring Officer, Deputy Monitoring Officer (section 3), Members and Officers will work proactively together to ensure that this Memorandum of Understanding (MOU) and the commitments set out within, are followed to support and enhance the decisions taken on behalf of WMFRA.
- 2.3 The Monitoring Officer's broad statutory responsibilities are:
- i. Reporting on matters believed to be, or likely to be, illegal or amount to maladministration
 - ii. To be responsible for matters relating to the conduct of Councillors or Officers in line with the relevant standing orders and code of conduct.
 - iii. To be responsible for the operation and review of the WMFRA's constitution.

A full list of functional roles and responsibilities of the Monitoring Officer is set out in Appendix 1 of this MOU.

2.4 It is expected the Monitoring Officer will:

- i. Provide the first point of contact in all matters relating to the discharge of the role and will use the full range of existing legal resources to provide the Authority with high quality support and advice, to ensure that the Authority remains legally compliant.
- ii. Remain impartial, upholding fairness and transparency at all times.
- iii. Provide both members and officers (who seek it) with advice on matters which affect the Authority and/or individual members. Whilst the Authority/member/officer will ultimately take his/her own decision, effective engagement on an informal basis, can support the decisions made which will have a significant impact on the values and behaviours of the Service.
- iv. In other cases where proposals, actions or omissions would cause the Authority to act unlawfully and/or contravene the constitution, the Monitoring Officer may take a decision which could suspend the implementation of the proposal, or action via a statutory report to the Authority. This would occur when there is any illegality on the part of the Authority and/or any member or officer.
- v. Undertake his/her duties in line with the duties and responsibilities set out in Appendix 1
- vi. Consult on all matters directly with the Chief Fire Officer

3. Appointment of a Deputy Monitoring Officer

- 3.1 The Local Government and Housing Act 1989 allows that the Monitoring Officer appoints a deputy with the power to act as Monitoring Officer, where he/she is unable to act as a result of absence or illness, or where the Monitoring Officer is unable to act due to a conflict of interest. The Deputy Monitoring Officer for WMFRA is the current Client Services Officer (Legal Services), Sandwell Metropolitan Borough Council.

Working in Partnership

- 3.2 To support the partnership between WMFRA and Sandwell Metropolitan Borough Council, which focuses on promoting corporate health, it is vital that the Monitoring Officer, Deputy Monitoring Officer, Members and Officers have excellent working relations, to enable the effective discharge of duties. A speedy flow of information and access to discussion, particularly in the early stages of decision making, will assist in this.
- 3.3 The relationship of Officers with both the Monitoring Officer and Deputy Monitoring Officer should enable a proactive and trusted approach to supporting and advising the Service.

A critical part to this will require both the Monitoring Officer and Deputy to be aware of and (where necessary and appropriate) advise and recommend action in connection with potential governance issues, matters of concern regarding any legal issues and/or constitutional issues that are likely to arise through decisions being taken by Officers.

3.4 This will be primarily facilitated through regular and open discussions (whether formally set or informal) between the Monitoring Officer and/or Deputy Monitoring Officer, with the Chief Fire Officer, Treasurer and the Clerk to the Authority, as well as early sight and consideration of Authority reports. Meeting frequency may vary however will be:

- i. At least monthly meetings and/or discussions between the Clerk and Monitoring Officer
- ii. A meeting between the Monitoring Officer, CFO, Treasurer and Clerk will take place prior to every Authority meeting to ensure preparedness
- iii. A meeting prior to any Executive Committee meeting where matters of urgency are scheduled and prior to any significant changes, which may emerge in decisions being taken by Officers in line with 4.2 above.

3.5 In support of the role of the Monitoring Officer the Clerk to the Authority will ensure that the Treasurer, Monitoring Officer and Deputy, have advance notice of all Authority Meetings, agendas and reports and are able to attend all meetings.

4. Awareness, Engagement and Advice

4.1 The Monitoring Officer or Deputy will be available for Members and Officers to consult and will advise (where appropriate) on any issues of the Fire Authority's governance, any illegality or general advice on the constitutional arrangements (e.g. Standing Orders, policy framework, terms of reference, scheme of delegation etc.). Engaging at this early stage will enable for early identification and awareness of any possible decisions and where needed, enable effective engagement to reach alternative solutions. This is in keeping with the values and behaviours of WMFRA and will engender trust in the Monitoring Officer role.

5. Matters requiring formal intervention

5.1 To ensure the effective and efficient discharge of the arrangements set out in the paragraphs above, Members and Officers will report any possible and/or actual breaches of statutory duty, illegality, misconduct or constitutional concerns to the Monitoring Officer Deputy Monitoring Officer and CFO, as soon as practicable. The Monitoring Officer or Deputy will ensure that (in partnership with Officers and Members) where necessary, preventative and/or remedial action is taken through either investigation or an alternative and lawful course of action.

- 5.2 Where an actual breach has occurred the Monitoring Officer and/or deputy will consult with the Chief Fire Officer and Treasurer to inform them. Where necessary a report will be written, under section 5 of the local Government and Housing Act, for consideration of the Standards Committee and Fire Authority.
- 5.3 Where an actual and disciplinary breach has occurred and involves an officer the scheme of conditions of service (Gold, Grey or Green book) sets out the necessary grievance and disciplinary procedures to be followed and will be adopted in line with the relevant standing orders.
- 5.4 The writing of a report is a personal responsibility and decision of the Monitoring Officer, based on whether they have determined a breach has or is likely to occur.

6. Monitor and Review of the Memorandum of Understanding

- 6.1 This Memorandum of Understanding will be kept under review by the Monitoring Officer, CFO, Chair to the Authority and Clerk to the Authority to ensure appropriateness in the levels of service provision and remuneration.

In any case an annual review will be undertaken by the Monitoring Officer and Authority.

Appendix 1

SUMMARY OF MONITORING OFFICER FUNCTIONS		
Description		Source
1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
	To administer complaints of member conduct in accordance with the arrangements adopted by the Authority	Localism Act 2011
5	Receive copies of whistleblowing allegations of misconduct	Confidential Reporting Code and Standing Order 02/20
6	Investigate and report on any misconduct in compliance with Regulations and directions of Ethical Standards Officers	LGA 2000 Section 66(1) and 66(6)
7	With the Clerk establish and maintain registers of members interests and gifts and hospitality	Section 81 LGA 2000 and Code of Conduct for Members and Employees
8	Advice to members on interpretation of Code of Conduct and Standing Orders in their actions on behalf of the Authority	Code of Conduct for Members
9	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Statutory Guidance
10	Liaison with Standards Board and Ethical Standards Officers and Adjudication Panel for England	New Ethical Framework
11	Compensation for maladministration	Section 92 LGA 2000
12	Advice on conduct issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members	CLG guidance
13	Refer relevant matters to Standards Committee for initial assessment, review and hearing	Regulations under LGA 2000
16	Assist the authority in meeting its obligations under the Freedom of information and Data Protection legislation as required.	Section 38 Freedom of Information Act 2000
17	To monitor and uphold the Authority's Constitution	WMFRA Constitution
18	To advise on politically restricted posts	Local Government and Housing Act 1989
14	Operate within the behavioural framework and core values of the WMFRA.	

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

1. **POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2017/2018**

Report of the Clerk and Monitoring Officer.

RECOMMENDED:

1.1 THAT the Authority approve:-

- (a) the political balance and membership of committees and panels for 2017/2018;
- (b) whether or not the current independent member of the Audit Committee should be appointed to serve on any of the committees and panels of the Authority and whether he should be treated as a voting or non-voting Member;
- (c) the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels;
- (d) the appointment of Mr. Ray 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 2018.

2. **PURPOSE OF REPORT**

To approve the political balance and membership of committees and panels for 2017/2018.

BACKGROUND

3.1 Political Balance on Committees

The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups.

It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided. Regulations provide for a political group to comprise 2 or more members.

Based on the information available to me, the current political balance of the Authority is:-

Conservative	8
Labour	17
Liberal Democrat	1
UKIP	1

The attached appendix sets out a template showing the political balance on committees for 2017/18.

4. Committee Structure, Constitution and Political Balance

4.1 The Authority is required to decide the constitution of its 7 committees for 2017/18 and then decide the political balance on each committee using the following formula:-

- (a) Decide the total number of seats on the ordinary committees (disregarding any co-opted members/advisors);
- (b) Decide the number of members for each minority political group;
- (c) Decide the proportion of the membership of those groups to the membership of the Authority as a whole;
- (d) Apply the proportions to the number of seats in (a).

4.2 For the purpose of this exercise, the Joint Consultative Panel and the Policy Planning Forum are not included as the proportionality requirements do not apply to these bodies.

- 4.3 The number of committee seats in 2017/18 is 45. The proposed allocation of seats to political parties based on this number of seats is set out in the Appendix to this report, which is recommended for approval. The Authority is also asked to make appointments of members and co-opted members to serve on the committees and advisory bodies referred to in the Appendix. More information to assist members is provided below.

5. **Joint Consultative Panel**

- 5.1 The Joint Consultative Panel (JCP) comprises employees of the Authority and is therefore not regarded as an ordinary committee for the purposes of Section 15 of the Local Government Act 1989 and the rules regarding proportionality do not apply.

The Authority at its meeting on 13 February 2012, approved a revised constitution for the Joint Consultative Panel which provides that the Panel will comprise elected members of the West Midlands Fire and Rescue Authority [with voting rights] and recognised elected officials of the Trade Unions/Representative Bodies [without voting rights] as follows:

- 6 employers side and
 - 5 employee side*
 - 2 Fire Brigades' Union
 - 1 Fire Officers' Association
 - 1 UNISON
 - 1 Association of Principal Fire Officers
- * subject to having a locally appointed/elected representative.

6. **Standards Committee**

- 6.1 The Localism Act 2011 brought in changes to the framework of regulation of standards of conduct for elected and co-opted members and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The relevant provisions of the legislation came into force on 1 July 2012.
- 6.2 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code.
- 6.3 The Localism Act 2011 provides that an authority shall appoint one or more Independent Persons who must be consulted before any decision is taken on a complaint which has been investigated. The Authority decided that the independent person/s appointed by Sandwell Council in pursuance of Section 28 of the Localism Act

2011 would be used by this Authority in relation to alleged breaches of the Code of Conduct. In view of the Authority's low level of complaints activity, it is suggested that the appointment of one independent person will be sufficient. The appointment of the independent person/s must be approved by a positive vote of a majority of all members of the Authority [not just of those present and voting]. Following the resignation of Mr. Bell, Sandwell MBC have appointed Mr. Ray Tomkinson as an Independent Member. Mr. Tomkinson has also agreed to act as an Independent Member to the Fire Authority.

- 6.4 It is proposed that the Standards Committee in 2017/18 will comprise 6 elected members. It has been the practice to invite the independent person/s to attend as observers.

7. **Audit Committee**

- 7.1 The Authority established an Audit Committee in September 2007. Its remit was expanded in 2010/11 to take on performance management functions.
- 7.2 Mr M Ager has served as an independent Member of the Audit Committee since 2007. The West Midlands Fire and Rescue Authority appointed Mr Ager for a three year term of office expiring with the Annual Meeting of the Authority in June 2016. Mr Ager agreed to continue in this role for a further year until 30 June 2017 and has again agreed to continue in this role for a further year until 30 June 2018. We will review this at the 2018 AGM.

8. **EQUALITY IMPACT ASSESSMENT**

- 8.1 Equality and diversity issues are properly considered in the mainstream decision-making processes of the Authority and this will be reinforced by the introduction of the Scrutiny Committee which has equality and diversity matters in its terms of reference.
- 8.2 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

9. **LEGAL IMPLICATIONS**

- 9.1 The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups. It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided.
- 9.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

10. **FINANCIAL IMPLICATIONS**

- 10.1 Provision is made in the Authority's budget for the payment of Members' allowances.

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

Source Documents

None

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

West Midlands Fire and Rescue Authority**Political Balance of Committees for 2017/2018**

Note: Proportionality applies to the Committees shown above the line.
Those below are exempt.

Committee

	Cons	Lab	Lib Dem	UKIP	Total
Appointments	3	6			9
Appeals	2	3	1		6
Audit	2	4			6*
Executive	3	7			10
Scrutiny	3	5			8
Standards	2	4			6
Total	15	29	1		45
<hr/>					
Policy Planning Forum	8	17	1	1	27
Joint Consultative Panel	2	4			6

* + one independent member

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OTHER BODIES

Report of the Clerk

1. RECOMMENDED

THAT the Authority nominates representatives to serve on the bodies set out in the attached Appendix for the one year term of office expiring with the Annual Meeting of the Authority in June 2018.

2. **PURPOSE**

The purpose of the report is to request the Authority to appoint representatives to serve on other bodies during 2017/2018.

3. **REPORT DETAILS**

- 3.1. The Authority is requested to appoint representatives to serve on other bodies as indicated in the attached schedule.

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**

- 5.1 The Local Government and Housing Act 1989 provides that the principles of proportionality apply where the Authority makes more than three appointments to bodies specified in the Act. An indication is given in the appendix where proportionality applies.

6. **FINANCIAL IMPLICATIONS**

Provision has been made in the Authority's budget to meet any costs involved relating to Members' allowances.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

**KAREN GOWREESUNKER
CLERK**

West Midlands Fire and Rescue Authority

Appointments to Other Bodies 2017/18

Organisation	Representative/s 2017/18	Notes
Local Government Association General Assembly* (4 representatives)	Chair and Vice-Chair (Councillors Edwards and Idrees) and Councillors Davis and Eustace (or their nominees) The Chair was authorised to exercise the Authority's Corporate Vote at the Local Government Association General Assembly. The Authority is entitled to 18 General Assembly votes which are allocated on the basis of proportionality of the General Assembly.	Proportionality applies. The Association encourages Authorities entitled to three or four representatives on the General Assembly to allocate one of those positions to Minority Group Leaders on their Authorities.
Local Government Association - Fire Service Commission (3 representatives)	Chair (Councillor Edwards) and Councillors Davis and Idrees (or their nominees)	Proportionality applies. Formerly the Fire Services Forum.

Organisation	Representative/s 2017/18	Notes
West Midlands Road Safety Partnership	Councillor Clinton	
Association of Metropolitan Fire and Rescue Authorities	Chair and Vice-Chair of the Authority (Councillors Edwards and Idrees)	
Fire Control Governance Board	Chair and Vice Chair of the Authority (Councillors Edwards and Idrees) and Councillors Davis and Tranter	
Organisation	Representative/s 2017/18	Notes
West Midlands Fire Service Business Safety Limited (Dormant)	Chief Fire Officer, the Chair of the Authority (Councillor Edwards) and Vice-Chair of the Authority (Councillor Idrees), Councillors Davis and Eustace	Personal appointment which terminates with the appointment of a new member.

26 JUNE 2017

1. **MEMBER ATTENDANCE AT CONFERENCES, SEMINARS AND VISITS**

Report of the Clerk.

RECOMMENDED

THAT the events for 2017/18 set out in the attached Appendix be approved for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

2. **PURPOSE OF REPORT**

To seek approval for attendance of members at conferences and seminars for 2017/18.

3. **BACKGROUND**

- 3.1 The schedule of Approved Duties within the Members' Allowances Scheme allows for 'attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit at any other meeting authorised by the Authority.' A schedule of conferences, seminars and visits for the forthcoming year is submitted annually to the Authority for approval. The attached appendix provides for attendance by nominated members at two conferences and also makes provision for the approval of attendance by members at other ad hoc events, subject to the necessary budgetary provision being available.

4. **EQUALITY AND DIVERSITY IMPLICATIONS**

In preparing this report an initial Equality Impact Assessment is not required and has therefore not been carried out. The matters contained in this report do not relate to a policy change.

5. **LEGAL AND STATUTORY IMPLICATIONS**

- 5.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 the Authority is required to make and publish a scheme setting out provisions for the payment of allowances to Members of the Authority.
- 5.2 Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003 states that such a scheme may provide for the payment of allowances in respect of travelling and subsistence undertaken in connection with or relating to such duties specified within the scheme (the scheme of approved duties).

6. **FINANCIAL IMPLICATIONS**

Provision is included in the Authority's budget for costs associated with attendance at conferences and seminars and for members' travel and subsistence costs.

BACKGROUND PAPERS

Members' Allowances Scheme.

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

KAREN GOWREESUNKER
CLERK

Appendix

Events proposed for approval by the Authority for 2017/2018 for the purpose of the payment of travel and subsistence allowances and conference fees (where appropriate), subject to the necessary budgetary provision being available.

Event	Attendance By	Financial Implications
Local Government Association Annual Fire Conference	Chair and Vice-Chair (or their nominees) and the Leader of the main Opposition Group	Conference fees and travel and subsistence
Local Government Association Annual Conference	Chair and Vice-Chair (or their nominees)	Conference fees and travel and subsistence
Asian Fire Services Association Conference	Chair and Vice-Chair of the Scrutiny Committee And the Leader of the main Opposition Group	Travel and subsistence
Fire Service Briefing Meetings arranged by the Home Office	Chair and Vice-Chair (or their nominee) OR all members of the Authority (as appropriate)	Travel and subsistence
Visits to the Houses of Parliament to meet West Midlands MPs and members	All Members	Travel and subsistence
Member training events/seminars organised by the Authority or approved by the Chair and Vice-Chair	All Members	Travel and subsistence
Communications visits to fire stations (up to two per quarter)	All Members	

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

Item 14

1. GOVERNANCE STATEMENT 2016/17

Joint report of the Chief Fire Officer, Treasurer and Monitoring Officer.

RECOMMENDED

THAT the Authority considers and comments on the Governance Statement for 2016/17.

2. PURPOSE OF REPORT

This report is submitted to Members to seek comments and consideration of the Governance Statement for 2016/17.

3. BACKGROUND

- 3.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 3.2 In discharging this overall responsibility, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs, which includes arrangements for the management of risk.
- 3.3 Every Local Authority has to produce a Governance Statement (see attached Appendix 1) with its Statement of Accounts, which are due to be made available at the end of June 2017.
- 3.4 The Governance Statement is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can, therefore, only provide reasonable and not absolute assurance of effectiveness. The Governance Statement is based on an ongoing process

designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

- 3.5 The Statement is signed by the Chairman of the Authority and the Chief Fire Officer who have a responsibility to ensure that the document is supported by reliable evidence and accurately reflects the Authority's internal control environment. The Governance Statement has operated throughout the year ended 31st March 2017 and up to date of the approval of the annual report and accounts.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

The Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. As part of this it has to produce a Governance Statement.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

None.

The contact officer for this report is Deputy Chief Fire Officer Philip Hales, 0121 380 6907.

PHIL LOACH	MIKE GRIFFITHS	SATINDER SAHOTA
CHIEF FIRE OFFICER	TREASURER	MONITORING OFFICER

ANNUAL GOVERNANCE STATEMENT

1. Scope of Responsibility

- 1.1 West Midlands Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is safeguarded and properly accounted for. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this duty, the Authority is also responsible for putting in place proper arrangements for the governance of its affairs which facilitates the effective exercise of the Authority's functions and which includes arrangements for the management of risk.
- 1.3 The Authority has complied with the code of corporate governance which is consistent with the principles of the revised CIPFA/SOLACE Framework 2016 published by CIPFA in association with the International Federation of Accountants (IFAC) – Delivering Good Governance in Local Government. The Authority has also complied with the requirements of CIPFA's statement on the role of the Chief Financial Officer in Local Government. This Annual Governance Statement explains how the Authority has complied with the code and also meets the requirements of Accounts and Audit (England) Regulations 2015, regulation 6 which require the Authority to prepare an Annual Governance Statement.

2. The Purpose of the Governance Framework

- 2.1 The governance framework comprises the systems and processes, culture and values by which the Authority is directed and controlled and its activities through which it accounts to and engages with the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, value for money services.
- 2.2 The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can, therefore, only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised and the impact should they be realised and to manage them efficiently, effectively and economically.
- 2.3 The governance framework has been in place for the year ended 31st March 2017 and up to the date of the approval of the annual report and statement of accounts.

Ref. AU/AUTH/2017/June/20106173

3. The Governance Framework

The key elements of the systems and processes that comprise the Authority's governance arrangements include the following:-

- 3.1 The Authority has produced a Corporate Strategy setting out its objectives and there is regular performance monitoring in which achievement of the Authority's objectives is measured and monitored.
- 3.2 The Authority has established clear channels of communication with the community and stakeholders regarding the production of the Annual Report and consultation on the key priorities of the Service. This also encourages open communication.
- 3.3 The Authority facilitates policy and decision-making via regular Policy Planning Forums and Authority and Executive Committee meetings. An Audit Committee provides independent assurance to the Authority on risk management and internal control and the effectiveness of the arrangements the Authority has for these matters. The constitution of the Committees including the terms of reference is reviewed annually and available on the Internet.
- 3.4 The Authority ensures compliance with established strategies, procedures, laws and regulations – including risk management. The Authority also maintains and reviews regularly its code of conduct and whistle blowing policy. There is a comprehensive induction programme in place and information regarding strategies and procedures are held on the intranet, which continues to be developed. The Authority has a strong Internal Audit function and established protocols for working with External Audit.
- 3.5 West Midlands Fire and Rescue Authority will continue to enhance and strengthen its internal control environment through the review of current policies and procedures.
- 3.6 The Authority has corporate risk management arrangements in place which are supported by an approved Risk Management Strategy enabling Managers and other senior officers to identify, assess and prioritise risks within their own work areas which impact on the ability of the Authority and its services to meet objectives. To consider the effectiveness of the Authority's risk management arrangements is a specific term of reference for the Audit Committee and risk management is a specific responsibility of both the Chairman and Vice Chairman.
- 3.7 The Authority's Corporate Risk Register identifies the principal risks to the achievement of the Authority's objectives and assesses the nature and extent of those risks (through assessment of likelihood and impact). The Register identifies risk owners whose responsibility includes the identification of controls and actions to manage them efficiently, effectively and economically.

- 3.8 The Authority ensures the economical, effective and efficient use of resources, and secures continuous improvement in the way in which its functions are exercised, by having regard to a combination of economy, efficiency and effectiveness as required by the Best Value duty. The Authority plans its spending on an established planning cycle for policy development, budget setting and performance management through the business planning process. This ensures that resources are aligned to priorities and secures best value from the resources that are available.
- 3.9 The Chief Financial Officer is a key member of the Strategic Enabling Team, helping to develop and implement the Authority's strategy. The Authority's financial system is an ORACLE based general ledger and management information system, which integrates the general ledger function with those of budgetary control and payments. Financial Regulations and Contract Procedure Rules are approved and regularly reviewed by the Authority. A rigorous system of monthly financial monitoring ensures that any significant budget variances are identified in a timely way, and corrective action initiated.
- 3.10 The Authority's performance management and reporting of performance management continues to be improved with a more focused Corporate Strategy, the setting of priorities and is supported by regular performance monitoring. Corporate performance is reported on a quarterly basis and this process provides officers and Members with the opportunity to share knowledge and understanding about key performance issues affecting services.
- 3.11 The Authority within its committee framework has a Standards Committee to promote high ethical standards amongst Members. This Committee leads on developing policies and procedures to accompany the Code of Conduct for Members and is responsible for local assessment and review of complaints about members' conduct. The Authority also has a Scrutiny Committee which undertakes performance management functions and informs policy development.
- 3.12 The Fire and Rescue National Framework for England sets out a requirement for Fire and Rescue Authorities to publish 'Statements of Assurance'. Specifically, Fire and Rescue Authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. The Authority has approved the Statement of Assurance which is available on the Service's website.

4. Review of Effectiveness

- 4.1 The Authority has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the statutory officers and principal managers of the Authority who have responsibility for the development and maintenance of the governance environment, the internal audit annual report and comments made by the external auditors in their annual audit letter and other reports.
- 4.2 Section unit business plans contain a variety of performance indicators and targets that are regularly reviewed.
- 4.3 The Authority's political governance arrangements, which are appropriately reviewed by officers, set out the responsibilities of both Members and senior managers. In particular the Authority has identified the following statutory post holders:-

- Chief Fire Officer
- Treasurer
- Monitoring Officer

In addition to the statutory posts, the post of Clerk to the Authority has been maintained.

- 4.4 The arrangements for the provision of internal audit are contained within the Authority's Financial Regulations. The Treasurer is responsible for ensuring that there is an adequate and effective system of internal audit of the Authority's accounting and other systems of internal control as required by the Accounts and Audit Regulations 2015. The internal audit provision operates in accordance with the CIPFA Code of Practice for Internal Audit in Local Government. The Authority's Audit Plan is prioritised by a combination of the key internal controls, assessment and review on the basis of risk and the Authority's corporate governance arrangements, including risk management. The work is further supplemented by reviews around the main financial systems, scheduled visits to Authority establishments and fraud investigations. Internal Audit leads on promoting a counter-fraud culture within the Authority.
- 4.5 The resulting Audit Plan is discussed and agreed with officers of the Strategic Enabling Team and the Audit Committee and shared with the Authority's external auditor. Meetings between the internal and external auditor ensure that duplication of effort is avoided. All Authority Audit reports include an assessment of the adequacy of internal control and prioritised action plans to address any areas needing improvement.

- 4.6 The Authority's review of the effectiveness of the system of internal control is informed by:-
- The work undertaken by Internal Audit during the year;
 - The work undertaken by the external auditor reported in their annual audit;
 - Other work undertaken by independent inspection bodies.
- 4.7 From the work undertaken by Internal Audit in 2016/2017 the Internal Audit has given a 'reasonable assurance' that the Authority has adequate and effective governance, risk management and internal control processes. This represents an unqualified opinion and the highest level of assurance available to Audit Services. In giving this opinion it is recognised that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes.
- 4.8 The Authority is able to confirm that its financial management arrangements conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.
- 4.9 Audit Services have reported and advised on the implications of the result of the review of effectiveness of the governance framework by the sources noted above and that the arrangements continue to be regarded as fit for purpose in accordance with the Authority's governance framework. The areas to be specifically addressed are outlined in 5.5.

5. Significant governance arrangements within the Authority

- 5.1 West Midlands Fire & Rescue Authority has a legal duty to provide an efficient, safe and effective fire and rescue service. The key priorities are:-
- Prevention – Safer and healthier communities
 - Protection – stronger business communities
 - Response – dealing effectively with emergencies
- 5.2 These form the basis of the Authority's Corporate Strategy known as The Plan 2017-2020 which sets out the outcomes and priorities based on the Community Safety Strategy. The five-minute attendance standard lies at the heart of the Service Delivery Model. The model shows how staff provide the core prevention, protection and response services to make the West Midlands safer, stronger and healthier.
- 5.3 Grant Thornton, the Authority's External Auditors, published the Audit Findings Report for its 2015/2016 audit work which reported an unqualified opinion on the financial statements. It also issued an unqualified value for money conclusion stating that the Authority had proper arrangements in all significant respects to ensure it delivered value for money in the use of resources.

Ref. AU/AUTH/2017/June/20106173

5.4 Based on audit work undertaken during the year an Annual Internal Audit Report was presented to the Audit Committee on 12 June 2017, Audit work which was completed in 2016/2017 included:-

- Accounts Receivable
- Accounts Payable
- Fixed Asset Accounting/Asset Planning
- Payroll
- Budgetary Control
- Pensions Certification
- Governance
- Risk Management
- Data Protection / IT
- Absence Management

5.5 As a result of these audits the following issues were identified:-

Governance – The review was based on the principles of the CIPFA/Solace document “Delivering Good Governance in Local Government: Framework” focused on two of the core principles:

- Defining outcomes in terms of sustainable economic, social and environmental benefits.
- Determining the interventions necessary to optimise the achievement of the intended outcomes.

Only one issue of significance was identified, in that although the individual elements were in place to meet the requirements of the two principles reviewed, there was not a policy which encapsulated the governance arrangements for the Authority and which provided a centralised approach to evidencing compliance with the principles of good governance.

Data Protection / IT – A review of data protection was undertaken to provide assurance that the necessary safeguards were in place to ensure the appropriate use of personal and corporate information and where data breaches occurred, they were managed effectively. The review identified issues of significance relating to:

- There were no procedures in place for defining/reporting data breaches.
- There was not an effective training regime in place to educate employees on the importance of data protection and their responsibilities for it.
- Data breaches were not documented and recorded.
- Data breaches were not reported to management.

Although only three data breaches had been reported to the Data Manager, due to the lack of formal policies and processes being in place and the low take up of training by employees, therefore little assurance could be provided that all data breaches were being identified and dealt with appropriately and in a consistent manner. As such, the Authority could be exposed to the risk of continued data breaches and potential sanctions being applied by the Information Commissioner's Office.

It should be noted however, that management has recognised the importance of these issues as part of the Management of Information plan and has taken prompt action to address these matters. Protocols have been agreed and put in place, which if complied with, will strengthen the control environment. A follow up review will be undertaken as part of the 2017/18 plan and an assurance update provided to management and the Audit Committee.

- 5.6 All issues highlighted in the Annual Internal Audit Report have been raised with relevant managers and actions have been taken to achieve improvements.
- 5.7 As part of the Finance Settlement for 2016/17, an offer was made for a multiyear funding settlement. Any Authority wishing to take up the four year funding settlement to 2019/20 was required to set out their proposals in an Efficiency Plan to qualify for the four year settlement from April 2016. The Authority considered and approved the Efficiency Plan which was submitted to the Home Office. In February 2017, the Minister for Local Government confirmed the Authority's funding settlement for 2017/18. The core funding reduction of approximately £4m in 2017/2018 will be managed by reviews to services and an increase in Council Tax. At this stage the provisional four year settlement by DCLG is considered to be a reasonable basis to formulate medium term financial planning.
- 5.8 With the trend of cuts to government funding continuing into future years, the Authority faces considerable financial pressures which could result in difficulties to deliver an efficient and effective service, which in turn would increase the risk to the communities of the West Midlands. A key aim for the Authority is to therefore deliver a more efficient and effective service to the community whilst ensuring the stability of the Authority's financial position remains.

6. Certification

- 6.1 To the best of our knowledge, the governance arrangements, as outlined above have been effectively operating during the year with the exception of those areas identified as requiring improvement. We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified during the review of effectiveness and will monitor their implementation and operation as part of our annual review.

John Edwards
Chairman

Phil Loach
Chief Fire Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

1. **MONITORING OF FINANCES**

Joint report of the Chief Fire Officer and Treasurer.

RECOMMENDED

THAT the report be noted.

2. **PURPOSE OF REPORT**

2.1 This report deals with the monitoring of the finances of the Authority in the current financial year and covers revenue expenditure and the Capital Programme.

2.2 Expenditure is compared with a profile of the Authority's budget.

3. **BACKGROUND**

3.1 **Revenue Expenditure**

Appendix A compares the revenue budgeted to the end of May 2017 with the actuals to that date. Devolved budgets are managed by the Department responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Department on behalf of the Brigade as a whole.

The Authority's 2017/2018 Council Tax requirement is £39.377 million and the revenue budget is £94.848 million. Actual spend to May 2017, including commitments, was £20.547 million compared to a projected budget of £20.555 million, an overall favourable variance of £0.008 million.

Appendix B provides statistical data relating to the Firefighters' Pension Scheme.

3.2 **Capital Expenditure**

The Authority's approved capital programme for 2017/2018 is £14.270 million. A scheme analysis is shown on Appendix C. Expenditure to the end of May 2017 is shown as £0.681 million.

The main forecast variances within the capital programme relate to:

Coventry Fire Station – demolition time extended due to asbestos related issues. Planned works currently being reassessed prior to the commencement of the development phase.

Aston Fire Station – the listed status of the site has required extensive consultation to ensure the proposed redevelopment of the station will achieve planning permission, which is currently being progressed.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

6. **FINANCIAL IMPLICATIONS**

These are contained in the body of the report and the attached Appendices.

BACKGROUND PAPERS

Authority's Budget and Precept Report – February 2017
Finance Office Budget Monitoring Files

The contact officer for this report is Philip Hales, Deputy Chief Fire Officer, telephone number 0121 380 6907

PHIL LOACH
CHIEF FIRE OFFICER

MIKE GRIFFITHS
TREASURER

Ref: AU/Feb/2017/116011722/KS/LH

REVENUE MONITORING SUMMARY TO MAY 2017

	LATEST BUDGET 2017/2018 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT- MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
DEVOLVED BUDGETS				
Corporate Management	2,272	418	405	-13
Corporate Charges	660	613	613	0
Service Support				
People Support Services	5,617	1046	1,032	-14
Business Development	98	30	38	8
Operational Preparedness	1,215	279	285	6
Operational Assurance	299	55	64	9
Finance & Resources	4,864	802	794	-8
ICT	4,298	966	956	-10
Service Delivery				
Operations	50,795	8,564	8,557	-7
CORPORATE BUDGETS				
Service Support				
People Support Services	2,844	532	520	-12
Business Development	-1,000	-100	-36	64
Operational Preparedness	-20	85	88	3
Finance and Resources	15,774	6,298	6,292	-6
ICT	122	80	81	1
Service Delivery				
Response	5,175	854	835	-19
Prevention	-4	0	0	0
Protection	-47	0	-9	-9
Other Income & Expenditure	1,886	33	32	-1
TOTAL (NET BUDGET REQUIREMENT)	94,848	20,555	20,547	-8
Grant Funding	- 55,471	-15,041	-15,041	0
TOTAL (COUNCIL TAX REQUIREMENT)	39,377	5,514	5,506	-8

FIREFIGHTERS' PENSION SCHEMES**NON-FINANCIAL
INFORMATION**

	2017/18 PROJECTION				ACTUAL POSITION AS AT MAY 2017			
	1992 FPS	2006 FPS	2015 FPS	TOTAL	1992 FPS	2006 FPS	2015 FPS	TOTAL
Members of FPS at 1st April 2017	361	13	912	1,286	361	13	912	1,286
New Members	-	-	60	60	-	-	-	-
Opt-In	-	-	-	-	-	-	-	-
Transitional Members during year	-34	-2	36	-	-4	-1	5	-
Transfers from Other Pension Schemes	-	-	-	-	-	-	-	-
Transfers to Other Pension Schemes	-	-	-	-	-	-	-	-
Retirements	-45	-	-	-45	-4	-	-	-4
Opt-Out	-	-	-	-	-	-	-	-
Leavers	-	-	-12	-12	-	-	-	-
Ill-Health Retirements	-2	-	-1	-3	-	-	-	-
Members of the Fire Pension Schemes as at 31st May 2017	353	12	917	1,282				

CAPITAL MONITORING STATEMENT 2017/18

Scheme	Year 2017/18	Latest Budget £'000	Actuals May 2017 £'000	Forecast £'000	Variance £'000
<u>LAND & BUILDINGS</u>					
Training at Height Facilities	11 of 11	317	280	317	-
Boiler Replacement Programme	Ongoing	264	0	264	-
Roof Replacements	Ongoing	66	0	66	-
Windows/Door Replacement	Ongoing	505	0	505	-
Rewires	Ongoing	332	0	332	-
Coventry Fire Station	3 of 5	4,954	135	3,854	-1,100
Primary Control Primary	1 of 2	600	0	600	-
Aston Fire Station	3 of 5	3,910	16	110	-3,800
Secondary Control Room Relocation	2 of 2	74	35	74	-
<u>VEHICLES</u>					
Vehicle Replacement Programme	Ongoing	3,177	199	3,177	-
<u>ICT & EQUIPMENT</u>					
MDT Upgrade/Replacements	4 of 4	46	16	46	-
Oracle Licensing	9 of 9	25	0	25	-
Grand Total		14,270	681	9,370	-4,900
<u>Funded By</u>					
Prudential Borrowing		0		0	0
Capital Grants / Contributions		613		613	0
Capital Receipts to be Applied		0		0	0
Revenue Financing / Earmarked Reserves		13,657		8,757	-4,900
TOTAL		14,270		9,370	-4,900
SURPLUS(-)/DEFICIT(+)					

26 JUNE 2017

1. **OPERATIONAL ASSESSMENT AND PEER CHALLENGE REPORT**

Report of the Chief Fire Officer.

RECOMMENDED

- 1.1 THAT the Authority note the content of the West Midlands Fire Service Operational Assessment (OpA) and Peer Challenge Report (Appendix 1).
- 1.2 THAT the Authority note the approach to implementing and monitoring the areas for consideration detailed within the Peer Challenge Report.
- 1.3 THAT the Authority note the Service's approach to the publication of the Peer Challenge Report in accordance with the recommendations of the National Fire Chiefs Council (NFCC) and the Local Government Association (LGA).

2. **PURPOSE OF REPORT**

- 2.1 This report is submitted to inform Members of the findings of the Peer Challenge Report and the feedback received from the OpA Peer Challenge Team following the conclusion of the fire peer challenge. The Peer Challenge Report is attached as Appendix 1.
- 2.2 Members are asked to note the Service's approach to implementing and monitoring the improvements required as a result of the areas for consideration identified as an outcome of the OpA and Peer Challenge. Additionally, Members are asked to note the Service's approach to the publication of the Peer Challenge report which will be in accordance with the recommendations of the NFCC and LGA.

3. **BACKGROUND**

3.1 In support of its long standing commitment to continuous improvement, the Service has recently taken part in the fire sector specific OpA process. OpA comprises of self-assessment against seven key assessment areas and can be supported by an external peer challenge. OpA is designed to assess how well the Service leads, prioritises and delivers its prevention, protection and response activities. The seven key assessment areas were:

- Community Risk Management: How well does the Authority understand the local context and identify, plan for and prioritise the risks faced by the community?
- Prevention: How well is the Authority delivering its prevention strategy?
- Protection: How well is the Authority delivering its regulatory fire safety duties?
- Preparedness: How well is the Authority ensuring that its responsibilities for planning and preparing are met?
- Response: How well is the Authority delivering its response, call management and incident support activities?
- Health, Safety and Welfare: How well is the Authority ensuring its responsibilities for health, safety and welfare are met?
- Training and Development: How well is the Authority ensuring its responsibilities for training, development and assessment of its staff are met?

3.2 The Service carried out its OpA self-assessment during the Summer of 2016. Although not a mandatory aspect of OpA, the Service recognised that an external assessment of the Service's performance via an independent highly skilled team would provide a credibility and robustness to the self assessment as well as enabling opportunities for improvement. Therefore, a peer challenge was commissioned by the Service (to be carried out during October 2016). The Service submitted its OpA self-assessment to the Peer

Challenge Team in August 2016.

3.3 In addition to reviewing the Service's self assessment the Peer Challenge Team also considered six core questions under the heading of Leadership and Corporate Capacity.

- Does the Authority understand its local context and has it established a clear set of priorities?
- How is the Authority delivering outcomes for the local community, and is it performing well?
- Does the Authority have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
- Does the Authority have effective political and managerial leadership and is it a constructive partnership?
- Are effective governance and decision making arrangements in place to respond to key challenges and manage change, transformation and disinvestment?
- Are organisational capacity and resources focused in the right areas to deliver the agreed priorities?

3.4 In addition to the areas under Leadership and Corporate Capacity, the Service requested the Peer Challenge Team to consider the following specific areas:

- Prevention linked to the Marmot Principles
- Effectiveness of the Integrated Service Delivery Model
- Governance and Decision Making
- Sections 13 and 16 Fire Services Act
- Fire Control
- Diversity, Inclusion, Cohesion and Equality
- Strategic Management and Leadership
- Training and Development

3.5 The Peer Challenge Team Review took place 17 to 20 October 2016. The team was led by Chief Fire Officer Alasdair Hay of the Scottish Fire and Rescue Service. Councillor Rebecca Knox, Chair of Dorset and Wiltshire Fire and Rescue Authority provided the Member challenge. Additionally, the

Team comprised:

- Nick Page, Chief Executive of Solihull Metropolitan Borough Council
- Mark McAteer, Director of Strategic Planning, Performance and Communications, Scottish Fire and Rescue Service
- Geoff Howsego, Director of Professional Services, Hampshire Fire and Rescue Service
- David Sibert, Fire Safety and Integrated Risk Management Planning Advisor, Fire Brigade's Union
- Gill Elliott, Peer Challenge Manager, Local Government Association

3.6 As part of the peer challenge process a wide range of employees, stakeholders and partners were interviewed including the Strategic Enabling Team (SET), the Chair and a cross party selection of Members. At the conclusion of the peer challenge the Chair and SET received initial feedback on the Service's performance pending the production of a formal report by the Peer Challenge Team. The Chief Fire Officer communicated these initial findings to Members at the Policy Planning Forum held on 12 December 2016.

3.7 The Service has now received the final and more detailed Peer Challenge Report, the content of which has been approved by SET following consultation with the LGA. The report provides a positive commentary upon the Service's performance recognising strengths across the full range of Service activity, reflecting for example that:

- 'West Midlands Fire Service (WMFS) is a Service that places its communities at the heart of everything and every decision it takes'.
- 'The Chief Fire Officer provides clear leadership for the Service and the Chair is clearly respected by the Authority and wider constituent partners'.
- 'The Service has a strong focus on its long term financial sustainability and future funding streams'.

- 'Response times to incidents are impressive', and that 'the integrated service delivery model has enabled WMFS to be more responsive to the needs of its community'.
- 'The Service's strong brand earns it immediate respect and often entry into the community and people's homes'.
- 'Equality is embedded at all levels and staff understand the links to serving a diverse community, their prevention work and delivering within a health agenda'.

- 3.8 As is normal with any assessment process designed to encourage continuous improvement, a number of areas for consideration were identified. SET have agreed with the Peer Challenge Team to consider these suggestions for improvement and are currently working with their teams to determine the appropriate implementation approach.
- 3.9 One of the key aims of OpA is to provide SET and Members with information to provide assurance that operational service delivery is efficient, effective and robust. To this end, the Service will develop an improvement register, designed to inform Members of the Service's progress in addressing all the agreed areas for consideration outlined in the Peer Challenge Report.
- 3.10 It is intended that the implementation of the improvements detailed within the improvement register will be treated as normal business and as such, will be integrated into the Service's existing planning and performance frameworks. Progress of the improvement register will be reviewed by SET and monitored by the Scrutiny Committee, ensuring assurance is provided to the Authority. The improvement register will be submitted to the first meeting of the Scrutiny Committee for the municipal year 2017/18 (currently scheduled to be held in September).
- 3.11 The NFCC and the LGA encourages all Fire and Rescue Services to publish their individual peer challenge reports. The Service is committed to openness and transparency. The Service recognises the importance of evidencing its levels of performance, providing confidence and assurance to its communities, businesses and partners. The Service also recognises and promotes the sharing of learning between

peers. As a result, the Service will publish its Peer Challenge Report externally on the WMFS website. It will also be published on the fire peer challenge section of the LGA website.

- 3.12 The full findings of the Peer Challenge Team can be found within the final report, Appendix 1 West Midlands Fire Service Peer Challenge Report.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The matters contained in this report do not relate to policy change.

5. **LEGAL IMPLICATIONS**

It is not a legal requirement to undertake OpA or a peer challenge. However, the Service is committed to performance improvement and is fully supportive of the sector driven approach of taking responsibility for its own performance improvement.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

Operational Assessment and Fire Peer Challenge Toolkit

Policy Planning Forum, OpA presentation by DCFO Phil Hales, 05 September 2016

Policy Planning Forum, OpA Peer Challenge Feedback presentation by CFO Phil Loach, 12 December 2016

The contact name for this report is Chief Fire Officer Phil Loach, contact number 0121 380 6909.

PHIL LOACH
CHIEF FIRE OFFICER



CFOA
Chief Fire Officers
Association



West Midlands Fire Service Peer Challenge

17-20 October 2016

Report

1. Introduction, context and purpose

This report outlines the key findings from the Local Government Association's (LGA) Fire Peer Challenge at West Midlands Fire Service (WMFS) in October 2016.

The report provides further detail on the themes that were considered under the heading of 'leadership and organisational capacity' as follows:

- Understanding of local context and priority setting
- Delivering outcomes for local communities
- Financial planning and viability
- Political and managerial leadership
- Governance and decision-making
- Organisational capacity

In addition to the areas above WMFS requested that the peer team consider some specific issues:

- **Prevention Linked to Marmot principles** - How well does the Service operate in the wider prevention arena working with the NHS and local authority health services,
- **Effectiveness of the Integrated Service Delivery** - Response and attendance standards; Integration of fleet response – is it providing an efficient and effective approach to service delivery?
- **Governance and Decision Making** - effectiveness of the current governance and decision-making arrangements for now and the future
- **Sections 13 & 16 Fire Services Act** - the completed business case for a more formal combination of fire services in the area, including the possible financial savings.
- **Fire Control** - How effective and efficient is the service provided to WMFRS?
- **Equality and diversity**- the Service's approach to positive action in recruitment both internally and externally
- **Strategic Management and Leadership** - what impact has the establishment of the Strategic Enabling Team had on the leadership and management of the service?
- **Training and Development**

2. The peer challenge process and peer team

Fire Peer Challenge is part of sector led improvement. Challenges are managed and delivered by the sector for the sector. They help fire services and fire authorities with their improvement and learning by providing a critical friend challenge.

The WMFS Fire Peer Challenge took place from 17th to 20th October 2016. It consisted of a range of on-site activities including interviews, focus groups

and fire station visits. The peer team met with a broad cross-section of officers, staff, front-line firefighters, partners and elected members. During the challenge the peer team were very well looked after and people the team met were fully engaged with the process and very open and honest.

The peer team undertook background reading provided to them in advance, including the WMFS Operational Self- Assessment. The evidence and feedback gathered was assimilated into broad themes and was delivered to WMFS on the final day of the challenge.

The peer challenge team for WMFS was:

- Alasdair Hay - Chief Officer – Scottish Fire and Rescue Service (Lead Peer)
- Councillor Rebecca Knox, Chair of Dorset and Wilts Fire Authority and Cabinet member for Communities, Health and Wellbeing at Dorset County Council (Conservative)
- Mark McAteer – Director of Strategic Planning, Performance and Communications – Scottish Fire and Rescue Service
- Nick Page – Chief Executive Solihull Borough Council
- Geoff Howsego – Director of Professional Services, Hampshire FRS
- David Sibert - Fire Safety and IRMP Advisor
Fire Brigades Union
- Gill Elliott, Review Manager, Local Government Association

3. Executive Summary

WMFS is a Service that places its communities at the heart of everything and every decision it makes. The Chief Fire Officer (CFO) and the Fire Authority Chair have an excellent working relationship which is serving the organisation well. The CFO provides clear leadership for the Service and the Chair is clearly respected by the Authority and wider constituent partners. Good relationships have also been built with all internal stakeholders, including Members and the workforce. WMFS understands the public sector environment it is operating in. It is proactive and keen to help shape the public sector agenda with its partners.

It will be important for WMFS to increasingly become a key partner in the Combined Authority for the area. The Authority wants to ensure that it has the best governance it can, to be able to respond to strategic governance arrangements both within the region and within emergency services. To that end, the Authority has set up a Governance Working Group with an independent Chair to review current governance arrangements for WMFS, with a focus on the scrutiny, accountability and transparency this provides to communities. Peers thought this was an excellent start. It was welcome to see the Chair of the Authority delegate to other Members to include them in the emerging new arrangements.

The FRA Chair is experienced and competent in his role. However as the decision making body, the FRA could offer more constructive challenge to the senior management team. We understand that Members are encouraged to liaise with their respective local stations and to act as champions for their stations and the Service as a whole within their Local Authorities, including specific areas of the Service such as promoting awareness of the Safeside educational facility. However we as a peer team feel that the role of Authority members might be further enhanced so that they also become change agents within the Service and influential ambassadors in consultation processes. Peers felt that the Service's Scheme of Delegation should be reviewed so that the organisation can satisfy itself that it remains 'fit for purpose', with the CFO able to operate in the increasingly complex and ambiguous environment whilst maintaining the correct level of scrutiny and political oversight.

In 2014 the Service replaced its corporate board with a Strategic Enabling Team. This was partly to make savings but also to achieve greater input from senior managers on strategic decisions. This change seems to have been a very positive one and the SET are supporting the CFO by actively participating in the making of decisions. Notwithstanding that, some SET members and other staff stated that there was a lack of clarity about SET's role.

The Service has a strong focus on its long term financial sustainability and future funding streams. It also has very healthy reserves which gives it a degree of financial cushioning if necessary. Budget mechanisms are well understood and devolved budgets at stations have increased understanding of financial impacts and budget management at station level. The Service has an Efficiency Plan to deliver £10m of savings by 2019/20. It includes saving of £4m from increased staffing flexibility and £2m from business development. Integrated resilience arrangements and voluntary shifts are key to the staffing reductions from staff retirements. The peer team felt that the Service should develop more robust financial delivery plans within its overall financial strategy. Peers didn't identify any specialist commercial experience within the organisation and it may be prudent to consider some commercial skills to deliver the business growth being sought. There is also a potential risk of underwriting the costs of some core staff by securing contracts to deliver services on behalf of health and social care - if the contracts are not forthcoming are the numbers of staff sustainable? WMFS should consider and appropriately manage these risks.

A key factor in the WMFS approach is its five minute response time for high risk (life and property) incidents which was developed on an evidence basis in partnership with The University of Central Lancashire and Fire Engineer Richard Walker. This is impressive and may well be unique within the fire service in the UK. Benefits for the Service include that it is an easily understood target and gives staff a strong focus for their work. The target cannot be viewed in a narrow sense as it is achieved as part of an integrated service delivery model (ISDM) which includes flexibility around rostering and shift patterns, voluntary additional shifts as well as changes to the types of vehicles used on different incidents according to their risk category. Although the number of fire

fighters has reduced by 280, this has been achieved without compulsory redundancies. The response target has been appropriate for WMFRS but may not be appropriate for the wider fire and rescue sector. It is important therefore, for the service to distinguish localised response need within its IRMP to demonstrate community risk need further. The Service may come under pressure to review it as budgets become more constrained. The response time is valued by the community so it is important that its value continues to be well understood by the community and by the wider fire sector. There are risks in making this a non-negotiable when considering the future financial savings.

Within WMFS there has been a conscious effort to change the organisation's culture to one that is decentralised and people are able to take independent action, with devolved authority. This has been generally welcomed across the Service. Operating procedures are being replaced with operating frameworks and protocols, within which staff have greater freedom to make decisions and direct activity. At the same time there is a desire to build the organisation from the communities upwards. Consequently the organisation is very outward focused with a strong desire to build community links. There has been a transference of activity on a range of issues from the centre to uniformed staff based on stations. These include prevention work as well as a range of workforce and people management responsibilities. Training is one activity that has been devolved and this has generally been welcomed by managers. Peers were satisfied that the organisation can assess its operational competence.

WMFS is keen to be at the forefront of working on the wider health agenda identified by the Marmot report. It was the first fire service in the country to be endorsed by Sir Michael Marmot for tackling health inequalities through its prevention and community safety work. The Service makes use of data and intelligence to target its Safe and Well visits. It has also started generating considerable income from its two Telecare contracts. The response service to telecare calls from the frail elderly clients is literally saving lives. Staff on station understood and could articulate what the Marmot report was seeking to achieve. The Vision to deliver this across the whole community will assist with future Fire Reform developments such as Independent Inspection.

The peer team was asked to consider how effectively and efficiently Fire Control is delivering services to WMFS following the establishment of a merged service with Staffordshire Fire and Rescue Service (SFRS). The team found fire control to be a team that is well managed with skilled and motivated staff. It should be noted, however that it did not speak to anyone from Staffordshire FRS as part of the review so cannot comment on their perspective. It was clear that some relatively recent interventions by the Chief Officers of both Services had provided some positive impacts. The joint vision developed by the two Services has been welcomed and staff feel they now have a secure future as a joint service for the next three years. Peers felt that it may now be time to develop some standard operating procedures across the two services as the logical next step. There was also some concern that fall back arrangements may not be sufficiently resilient in the event of catastrophic system failure.

WMFS' approach to equality encompasses inclusion and cohesion as well as equality and diversity to produce its acronym DICE. Within the Service equality and diversity sits at the heart of all it is seeking to achieve for its diverse communities in terms of prevention, protection and response. As a result it has a strong business case for its work in the community and for establishing and maintaining a diverse workforce. However, as is the case throughout the sector, the Service is still some way off having a diverse workforce. Only 5% of its firefighters are women and only 15 % of all staff are black and minority ethnic (BME) compared to a local population of nearly 30% BME. Achieving a representative workforce will take some time and it will be important for the organisation to develop a bold strategy for change but one with realistic objectives and milestones.

Whilst it is evident that the Service is making progress in a number of areas, the analysis of its equality objectives against the time needed to achieve them would help manage expectations. It was heartening to see that within its approach to achieving a representative workforce the Service is using positive action to encourage applications from protected groups and for promoting minorities into senior positions. The recent recruitment campaign restricted applications to the Service's postcode area and in a recent promotion exercise positive action legislation was used to appoint a candidate from a BME background where there were two candidates of equal merit. We suggest that positive action is an area where more focus could be placed.

The pace of change within WMFS has been significant in recent years. It might now be time for the organisation to review how change is being implemented and how it can engage more fully with the whole workforce. More opportunities for staff from different teams to problem solve in task and finish would help to (a) eliminate barriers to change and (b) to review and revise new systems in the light of experience. This will ensure that the changes made to date are fully embedded and the workforce is ready to move forward again in the future. Early engagement around the Fire Reform agenda with Members and Staff will help the WMFS develop both its strategies for further reform and the organisation's longer term Vision.

4. Detailed Findings

The detailed findings in this report have been grouped under eight headings to reflect both the leadership and context criteria in the Peer Challenge Toolkit and the specific areas of focus which the CFO asked the team to consider.

4.1 Strategic Leadership and Governance

The importance of the relationship between the CFO and FRA Chair is well understood and it is a very positive one. Their roles are distinct, but complementary and this works well for the organisation. The Authority has shown decisive leadership in anticipating the wider changes that are facing the public service. A start has been made by the Service in setting up and leading the Governance Working Group to consider the best form of

governance for the organisation to address all the challenges and exploit the opportunities that a combined authority may bring. The Group involves a range of external agencies and has an independent Chair. WMFS now needs a major programme of engagement with wider partners to ensure they have the same understanding of issues before detailed options are worked up and decisions taken.

Elected members will continue to have a key part in taking the big decisions for the organisation. The Authority needs to be strong and fit for purpose but also have a “fleetness of foot” around decision making. A review of the Scheme of Delegation would provide some clarity about decision taking in the organisation. Peers felt that the role of members could be enhanced further to provide this. They should be considered as change agents within the Service and on behalf of the community. Where existing Member Champions can also assist is by allocating a Member or two to various aspects of the service so that they gain a far wider in-depth understanding of protection, prevention, equality and other areas so that when decisions are brought to the Authority, there are peers there who are recognised to have worked on the detail. With the widening public service agenda and the WMFS taking a lead role, the Authority will have skills sets within the roles and responsibilities of Members who sit on constituent authorities – capturing those skills could be very helpful in the emerging collaboration arena.

In light of the Home Office’s Fire Reform Programme, the development needs of Authority Members need to be reconsidered and a programme put in place. Members do currently receive development and all Members are provided with a development programme, although it is acknowledged that the take up of the development programme by Members is not consistent. Additionally, Members are regularly briefed on national issues via a number of means including the meetings of the Policy Planning Forum. The CFO and Chair are well embedded in this through their roles with CFOA (and the new CFOA) and the LGA Fire Commission. The various pillars of reform require Member communications as well as workforce input into the proposed changes. Standards, Independent Inspection, workforce reform and all the other programmes on the Home Office agenda will have an impact on the organisation’s business plans and vision for the future.

The CFO provides clear leadership for the organisation. He has an open door style that his staff at all levels appreciate. External agencies and stakeholders spoke of effective working relationships with WMFS across a range of issues that often go well beyond the traditional reach of a fire service.

SET appears to be an effective model for enabling strategic decisions to be made by the executive management. However, it is still a relatively new structure in the organisation. Even amongst SET members we found some different views about its purpose. Some time spent on inward reflection by SET about its role and how this could be developed would be beneficial. Telling front line staff more about SET and how it works would be a way of de-mystifying senior management. Some frontline staff see SET as a filter for the

CFO and said there was no explanation given to them as to what it does and why it was set up.

There has been a conscious culture change within WMFS. The CFO has been keen to decentralise leadership in the organisation. This approach is widely recognised and welcomed by staff. They want to be part of the change. Activities that previously were centralised at Headquarters have been pushed out to stations and uniformed managers and frontline staff have been allowed to use their initiative within frameworks and guidance set corporately. Examples of this include: prevention activity; budget management; recruitment and other people management processes. However, from the perspective of some firefighters interviewed, decentralization and empowerment of middle managers could feel like inconsistency and even unfairness. This view was echoed by those taking decisions at station level. Station commanders said being empowered to make decisions worked well as long as they worked within the frameworks, however there was inconsistency between stations. One station commander said that he didn't always stick to the staffing framework to "put bums on seats"

Considering the fast pace of these changes it may now be timely to consider how they are working across the Service and whether policies are being implemented consistently. Providing more opportunities for staff from different teams to problem solve in task and finish groups will help employees to share learning and spread best practices more widely across stations and teams. The Safer, Stronger, Healthier vision is well recognised by staff. The Service should now be reflecting on how it can tell its story and its successes even better.

4.2 Local Context and Priorities

The CFO is very clear about the direction he would like to take the organisation. The wider prevention agenda is at the forefront of this. Staff at all levels have clearly "bought in" to it and are mostly enthusiastic. Officers including those based at stations, have high visibility in local partnership arrangements. Station commanders attend and play an active part in the seven Health and Wellbeing Boards within the Service's area as well as Community Safety Partnerships and Safeguarding Boards. Their role is recognised and valued by partners. The Service makes use of data and other local intelligence to target Prevention activities such as Safe and Well visits. It is also a source of data for partners and there are data sharing protocols in place. Ensuring there is effective communications about this local community activity with Members is important in light of the emerging public sector collaboration expectations of Government.

There was very positive feedback about WMFS' involvement in delivering within the Marmot agenda from health and other public sector partners. It is also important for the Service to understand the priorities of its potential local and regional partners and to consider the language that is used so as to help create the right conditions for active collaboration. Local authorities and health organisations all have different languages and cultures. WMFS needs

to understand what outcomes and targets partners are working to and what they are seeking to achieve. It will also be important to define WMFS' role, the added value and evidence based outcomes when working with others.

The team were specifically asked to consider the proposals for a regional collaboration with FRSs in the region. Peers noted that the Regional Collaboration document produced by WMFS may not have been positively received by the other Fire and Rescue Authorities in the way that it was presented. Looking at the now published Thomas Review 'Conditions of Service for Fire and Rescue Staff: Independent Review', there is an opportunity to revisit this as a partnership led from the community perspective.

The Service has an outward facing approach at all levels. It has a strong desire to build links with the community. Stations know their areas really well. Station commanders understand and support their delegated responsibilities and they understand the priorities in their areas and deliver against them. It will be important to maintain strong local links with diverse communities as the organisation changes and staff change roles or locations. Having a diverse workforce to deliver the prevention agenda is a huge asset and as the organisation and the communities change, maintaining and increasing that diversity will be important.

One of the stories that the wider public need to understand is WMFS' 5 minute operational response for category 1 incidents. This target is the cornerstone of its integrated service delivery model. A great deal of work has been done by the Service on the evidence for its benefits. There is no doubt that it provides a very high standard of safety in an emergency and it is received positively by the public. It keeps the Service in high regard in the community. It is also valued by staff and gives them a sense of purpose and indeed pride in the job they do. It is a valuable target for the Authority as it has clear benefits in terms of operational response. It is easy to measure and it underpins valuable operational flexibility around shift patterns; crewing models and vehicle use. However, as budgets become even more constrained, the Service may come under pressure to review it and as this is central to the Service's mission, the core narrative would require adjustment. For this reason, the Service needs to do more work on ensuring its value is quantified and well understood by the community and the wider fire service sector.

The organisation is changing at a fast pace and it is important for its successes to be recorded so that the rest of the public sector can learn from it. Retention of the organisational memory may become a factor. As with many other fire services the average age in the organisation is over forty and there is already considerable organisational churn. When someone moves on their knowledge may be lost unless it is carefully transferred to prevent that loss. The organisation needs to consider its next generation of leaders so that they understand the story and the Service's unique selling points. It could also benefit from understanding how to best transfer knowledge from those either leaving the Service or changing roles within it.

4.3 Financial planning and viability

Within WMFS there is a strong focus on long term financial sustainability and future funding streams. There is also a clear plan of intention for delivering the £10m of savings required by 2019/20. Strong reserves provide an element of financial resilience and could be a safety net if projected savings do not materialise as planned. The peer team felt that the Service would benefit from having a more visible long term financial strategy (5-10 years), a medium term financial plan (2-5 years) and a short term financial plan in year. WMFS questions the value of a 5-10 year long term plan in light of the current political and economic environment. It makes the point that a short term and a medium term financial plan already exist.

Budget mechanisms are well understood and there are clear plans and statements of intent in place right down to station level. Devolved budgets have fundamentally changed the understanding of financial impacts at station level. However, the organisation also needs to be clear on the difference between budget strategy and a longer term financial strategy. It needs to consider its resource mix as well as the affordability of its assets. By mapping out a long term strategy it can model different scenarios and see how they evolve.

The Service can demonstrate that it already has a track record of delivering savings, which will stand it in good stead. Since 2011/12 it has made savings of £28m. These have impacted on both organisational support and community facing delivery functions. It has also undergone major organisational change with the merger of Fire Control with Staffordshire FRS. This experience provides valuable lessons for future change projects.

The peer team was not fully convinced about the deliverability of the Service's Efficiency Savings Plan 2016-2020. They were not shown any compelling analysis underpinning the plan, which has a strong reliance on growing other funding streams such as commissioned Telecare response. However the peer team recognises that, as with any plan some of the deliverables are about intentions and that there is a need to constantly review plans with the potential for flexing, depending on how each element of the plan progresses. The Corporate Risk register has identified the risks of having to maintain contracts. However there are more detailed risks around commission budgets being used to underpin the cost of core staff. The register should reflect that level of risk and the Service should consider contingencies for how it might manage if those commissions are not sustained. These risks need to be articulated better in a coherent delivery plan that is properly monitored and enforced. Currently the organisation appears to be weak concerning intrinsic business acumen. This could be bought in to help deliver the income generation target.

4.4 Service Delivery and Outcomes for the Community

The integrated service delivery model has enabled WMFS to be more responsive to the needs of its community. An example of this is the way that the reduction in the number of unwanted fire alarms has freed operational capacity to deliver better outcomes. Response times to incidents are impressive. The average response time during the Peer Review was around 4 minutes and 40 seconds. The 5 minute attendance time target enables the Service to reduce the risk to firefighting and increase the survivability of victims. It also reduces the impact of fire on the local community and economy.

Several factors make up the approach undertaken by WMFS to speed and weight of attack including the crewing of five personnel on a Pump Rescue Ladder, 3 personnel on a Brigade Response Vehicle, and developments in the use of technology to inform the mobilising of the correct resources, for example 999eye. Additionally, WMFS in conjunction with a software provider, has developed the Dynamic Cover Tool which provides a real-time visual aid to Fire Control resource managers, supporting decision making and enabling Fire Control to manage, deploy and move resources to provide optimum response times and match resource to risk when managing prevention and protection priorities.

The Service is genuinely focussed on understanding and working on the health agenda. Staff understand the new and changing role of the fire service in arenas like Health and Wellbeing Boards, and other bodies. It would serve the Service well to continue to analyse and adapt the business case for working in the community. A performance management framework with inputs, outputs and outcomes would ensure greater sustainability of service delivery.

The move to operational frameworks is delivering flexibilities and freedoms for management. They see the fact that operational procedures are being rewritten to remove “musts” as positive with more decisions being made locally. However there was not an entirely positive response from firefighters. The example most often quoted as a sign of delivering flexibility to managers was the removal of fire station staffing guidance. Previous guidance was said to be verbose and contradictory so it was replaced with three simple principles that are to be used as boundary conditions for local decision making by managers. However two of the three principles are value for money and fairness. Firefighters gave examples of where these two principles contradicted each other so decisions made by managers were seen as complicated and opaque. It was claimed that some line managers could spend up to four hours making phone calls to arrange staffing. Staff are motivated to deliver services that are focused on community outcomes but some of the systems that have been put in place to achieve this appear to be in need of an open minded reassessment from an end user’s point of view.

We understand that the Service does constantly review and develop its systems in its aim to be as effectively technologically enabled as possible, with current

examples including the implementation of the InPhase business intelligence and analytics system, Gartner, new MDTs, the roll-out of MS Office 365, Sharepoint, Skype for Business, the refreshment of the in-house programme Activity Assistant, and the development of a data warehouse which will result in the consolidation of data into one place to provide more holistic views of organisational activity. The implementation of all of these examples has included consultation and active engagement with a variety of staff at all levels, to ensure end user input into their development.

The Service would benefit from a more structured approach to transformational change. Programme management needs to be more apparent and consistent. It was not entirely clear to the peers who is actually responsible for the transformation programme in the organisation and how it is monitored and understood. Risk awareness needs to be better understood at every level. There were a number of examples where it appeared that change had been implemented but there had been no subsequent planned review to make sure that the change was delivering the intended outcomes or benefits.

The Service could be clearer about the interdependencies across the organisation and the risks created by change. There has been a conscious culture change away from bureaucracy. One risk from that is that SET members are often only sighted on their own area. Another risk is lack of consistency with managers interpreting frameworks differently. Staff on stations said that getting through to some support functions is an issue, although when they do get through, the service and advice they get is sound. Empowerment down from the CFO is welcomed but the organisation might now require more resources in support areas to deliver the benefits intended.

WMFS is clearly on a transformation path. Managers understand the vision but not all the operational and community facing staff may have “got the message”. The organisation needs to think about how it communicates its vision both internally and to the community. The public will need to be able to understand what the Service is delivering and how it is changing. Members have a role to play here too. Their reach within the community is considerable and expanding their community role particularly with outside bodies and partners, will create more opportunities for better consultation and engagement as mentioned earlier. Clearer communications on change proposals might be considered to assist with organisational change implementation for staff and Members. Seeking the views of Members and staff on this point may well provide ideas for how communications could be improved.

4.5 Prevention and the Health Agenda

It is clear that the service is committed to the Prevention and Health agenda across the West Midlands. The philosophy is already embedded in the organisation. The Fire Service’s strong brand earns it immediate respect and often entry into the community and people’s homes. Health partners spoke highly of WMFS commitment and energy and the tangible impact it is making to people’s lives through its Telecare service.

Staff understand the Service's role in the Marmot agenda and feel empowered to identify and respond to local prevention needs. Safe and Well visits are targeted by local knowledge and partner intelligence. Vulnerable Persons Officers have provided a one to one response. Again there is clear evidence of impact.

These are early days for the Service's work on what is a complex agenda. This might be the right time to reflect and consider a more strategic overview of its medium to long term approach. Is the organisation sufficiently well equipped to carry out Telecare and other wellbeing activities? During interviews, some confusing messages were given about the Telecare activity. This may just be due to natural progression of this areas of work. What started as a 'business development' issue, is now mainstream 'prevention' activity, but also has health safety and welfare implications. These health safety and welfare issues appear to be getting lost between the Health and Safety Department, the Prevention Department and the Business Development Department. Firefighters and their union said that they do not know who to approach to improve the delivery of this valuable service.

A wider prevention strategy would help set and capture expected outcomes. The focus on health could be broadened from health to well-being to work on issues like skills and housing needs with other partners. Through the Combined Authority there is an opportunity to lead the use of data to drive performance. There are potential business development opportunities for the Service to generate income from new areas of involvement. At the same time there is also a need to consider the risk of creating perverse financial incentives. For example, working to prevent trips and falls could reduce income where contracts contain an element of payment by results measures. WMFS should seek to work with commissioning agencies to ensure no perverse incentives are built into contracts to ensure the most vulnerable remain protected.

4.6 Fire Control

The leadership, management and staff of the fire control service are impressive. They have been through a major change process and in their view the merged service is now in a good place after some considerable challenges. It will be important for WMFS to consider the lessons learned from this change programme both for future collaborations/mergers and other internal change management processes. It may also want to explore whether the new Cultural Framework developed for Fire Control actually aligns with desired cultural norms in the two organisations.

During interviews it was said that morale in Control was poor immediately after the merger, but staff were eventually given 'change management' courses which were said to be excellent, but should have been delivered before the process began. Other lessons to learn were said to be earlier management of change, better communication from management to staff and better listening to staff by management. Staff also said that 'difficult

conversations' should be had at the outset instead of being put off. One member of staff said "we don't fear change, we fear the lack of control over that change".

The new joint Vision with Staffordshire Fire and Rescue Service has been well received by WMFS Fire Control and frontline staff. Staff are highly committed to the service they perform and are willing to take on new services. They see themselves as a "vital cog" in the organisation and believe that station staff also recognise this. They are looking forward to moving location into the HQ building and are keen to assist in the design of their new workspace. Building in room for expansion will enable the organisation to consider the potential synergies of co-location with external partners for work such as emergency planning.

Staff feel that they now have real operational discretion in the fire control room. Where previously they always had to follow procedures, they can now take their own decisions and if necessary justify them later. The Dynamic Cover tool provides information that enables flexibility. Before they were monitored through every call. Now there is recognition that they know the job and can mobilise unsupervised. As one employee put it "there is less monitoring and micro-managing"

The Service had moved away from a centralised structure, providing benefits linked to the Service Delivery Model and attendance standards. Further alignment of mobilisation protocols would be a natural evolution for the fire control service. Currently there are different operating procedures for WMFS and SFRS. Standard operating procedures across the two organisations could be established. We understand that work is ongoing to address this area of the joint fire control. The Service should consider whether its fall back systems would be sufficiently resilient in the event of a catastrophic failure. The current arrangements rely on 'handraulic' arrangements. The technology available today, could provide dynamic links with other control rooms who could take over in the event of n systems failure/building evacuation and may also be able to assist during spate conditions. These kind of arrangements now exist in other areas of the country and could be explored as options.

4.7 Training and Development

Training is recognised as important in the organisation. Operational staff understand that updating training and maintaining competence is a personal as well as a corporate responsibility. Managers generally appreciate that the Distributed Training model is the right direction of travel for the Service. Peers applaud the move away from a centralised structure and the benefits this provides linked to the Service Delivery Model and attendance times. It might now be time to pause and consider how the system is working and allow staff to fully understand it. Some crews reported a feeling a sense of loss by the move from a centralised training function and reported a wide variation in the quality of e-learning packages from good to very poor. Some crews also commented on the turnover of the peripatetic trainers and lack of consistency

in message. They said that they were getting different information from different trainers each time they visited.

Station commanders are confident that there are systems in place to assure professional competence. There are multiple ways that station managers are able to cross reference and understand the levels of fire fighter competence. These include exercises, peer assessment, incident de-briefs and detailed assessments of watches on station carried out by an independent fulltime watch commander.

The value of the large scale weekend training exercises as an assurance method is questionable. It was reported that in some case five or more pumps could simply wait in a holding area and never actually be deployed into the exercise. They were seen to be of more benefit to senior commanders than operational fire fighters. Staff acknowledged the point of the exercise but needed to feel that it had value for them as individuals. An evaluation of this exercise should be carried out to assess its value. The SET member with responsibility for training takes part in these training exercises, but as a 'trainee', rather than as a training manager assessing the whole process and its value. It would appear that nobody is taking the 'helicopter view' and seeing whether or not it needs revising and improving.

Training resources are stretched. Availability of Level 1 instructors is an issue once sickness and annual leave is taken into account. Trainer skill is also an issue. The most favoured station based trainers are frequently being drawn away to deliver training away from their watch and this can impact on watch staffing. There is a shortage of Level 3 specialist trainers which could be an organisational risk. There are now plans to replace the level 1, 2 and 3 trainers with station based trainers for core skills and specialist trainers for subjects like water, breathing apparatus (BA), working at height and first-aid.

The organisation is now very lean and maintaining optimal crewing levels affects availability of crews for specialist training. The peer team felt that having to organise training for one or two people at a station as a result of devolved training is not particularly efficient. WMFS do not believe that the conclusion of the peer team is necessarily correct. They feel that providing training locally is a lot more efficient than sending one or two people to a central location. Introduction of new fitness standards and tests could be an organisational risk once the policy is in place but before all members of staff are tested. The implementation plan needs to consider this.

The Service should pursue a more holistic view of succession planning and talent in the organisation. There are formal development and leadership programmes like Leading Excellence, but a great deal of talent spotting also happens at station or area level. For example in the Black Country area management away-day days are held and potential high fliers are identified and invited to attend. These individuals are then "assessed" for future progression. This is not done in other areas. There is a risk of inconsistency in the access to opportunity across the organisation that the Service may want to consider.

Some further training and specialist support is needed for staff providing the Telecare service. This is a new service for WMFS and experience is proving that staff may not be fully equipped for the emotional effect of the role. There may be some associated process issues which are linked to these, such as ready access to staff to provide intimate care. Specifically, staff would welcome training from agencies who are used to dealing with issues such as end of life care.

4.8 Equality and Diversity

The senior leaders of the organisation fully supports the Diversity, Inclusion, Cohesion and Equality agenda. (DICE) The organisation has made the business case for equality and inclusion by linking it to its integrated approach to delivering prevention, protection and response services. The Service has also championed positive action as one way of achieving a workforce that is representative of the community. A senior appointment was recently made using the Equality Act 2010 which allows for a candidate from an under represented group to be appointed if there are two candidates of equal ability. The recent recruitment campaign restricted applications to the Service's postcode area and in a recent promotion exercise positive action was used to appoint a candidate from a BME background where there were two candidates of equal merit. We suggest that positive action is an area where more focus could be placed, for example, with greater use of minority role models in internal and external communications.

Achieving a fully representative workforce is a long term project and the organisation would probably benefit from having a bold strategy for this with realistic time scales linked to their objectives and milestones.

Equality is embedded at all levels and staff understand the links to serving a diverse community, their prevention work and delivering within a health agenda. Managers understand the concept of positive action and there was no evidence of resentment about the approach from majority groups. There is an inclusive culture in the organization. Staff from protected groups feel that there are no barriers to them succeeding in the organisation and that the organisation is pleased to see them succeed.

The Service is making progress on capturing workforce equality data. It also has detailed data from previous recruitment programmes, although this not fully analysed in preparation for the next recruitment round. Data such as this and other qualitative information will help to inform the organisation about the barriers facing people with protected characteristics in applying to join the Service and being successful once they do apply. The organisation will be launching a new apprenticeship scheme which has huge potential for encouraging diversity. It should consider lessons learned from the cadet scheme where senior cadets tend not to be from protected groups.

The equality forums are a vehicle for progress on equality. They are now titled Aspire for black and minority ethnic issues and Affinity for gender issues. They are open to all staff and not just those from protected groups. The leads are very enthusiastic and knowledgeable. The forums are potentially an excellent resource for the organisation as they could also be involved in policy development, equality impact assessments and community events. There may be an issue around the capacity of the forum leads, as they take part in their own time. Some additional time resource and even an activity budget would enable them to broaden their DICE activities and other positive action initiatives in support of organisational strategies.

The appraisal system is one way that the Service identifies potential and training needs for staff. It is important that all staff receive an annual development review. The organisation needs to ensure that Individual Performance and Development Reviews (IPDRs) are consistently applied across the organization. Some support staff said they had not had an appraisal for several years.

The Service may wish to take the opportunity to evaluate its maternity and paternity provisions to evaluate the new pay arrangements during maternity leave to see whether they have influenced when mothers return to work and how many fathers are taking paternity or joint leave.

5. Conclusion and contact information

Through the peer challenge process we have sought to highlight the many positive aspects of the West Midlands Fire Service but we have also outlined some key challenges. It has been our aim to provide some detail on them through this report in order to help the service consider them and understand them. The senior managerial and political leadership will therefore undoubtedly want to reflect further on the findings before determining how they wish to take things forward.

Thank you to WMFS for commissioning the challenge and to everyone involved for their participation. The team are particularly grateful for the support provided both in the preparation for the challenge and during the on-site phase and for the way people we met engaged with the process.

Helen Murray, as the Local Government Association's Programme Manager for your region, will act as the main contact between WMFS and the Local Government Association going forward, particularly in relation to improvement. Hopefully this provides you with a convenient route of access to the organisation, its resources and packages of support.

All of us connected with the peer challenge would like to wish WMFS every success in the future.

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Review Manager
Local Government Association
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WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

1. **ANNUAL REPORT OF THE SCRUTINY COMMITTEE
2016/17**

Report of the Chair of the Scrutiny Committee.

RECOMMENDED

That the Authority receives the Scrutiny Committee's Annual Report 2016/17.

2. **PURPOSE OF REPORT**

This report is submitted to bring to the attention of the Authority the Annual Report of the Scrutiny Committee 2016/17.

3. **BACKGROUND**

3.1 The Scrutiny Committee was established at the Annual Meeting of the Authority in June 2012. The Committee was to undertake performance management functions and would also scrutinise human resources matters, equality and diversity and health and safety across the service. Its purpose is to:

- inform policy development
- hold officers and the Service to account
- conduct reviews into specific issues

3.2 The Annual Report for 2016/17 is attached as an Appendix for consideration by the Authority. The report was approved by the Scrutiny Committee on 12 June 2017.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

There are no particular legal requirements for the Authority to establish a Scrutiny Committee; it is however considered good practice for authorities to have a vehicle through which monitoring and review of the Authority's policies and practices can be undertaken.

6. **FINANCIAL IMPLICATIONS**

The Scrutiny Committee can, if required, access resources to be able to engage external professional advice. Most of its work however is undertaken by officers within the employ of the Authority and therefore no additional costs are incurred.

BACKGROUND PAPERS

Authority and Scrutiny Reports.

Chris Tranter
Chair of the Scrutiny Committee

WEST MIDLANDS FIRE SERVICE

Annual Report of the Scrutiny Committee 2016/17

1. Background

The Scrutiny Committee was established by the Fire Authority at its Annual General Meeting in 2012. Its purpose is to:

- inform policy development
- hold officers and the Service to account
- conduct reviews into specific issues

The key benefits of the Committee can be seen as:

- Complementing the strategic and policy formulation and development work of the Authority and Service.
- Developing the skills of Members to enable them to investigate below the surface of policies, strategies and processes.
- Providing a useful oversight and an element of 'challenge' to performance improvement processes and continuous improvement.
- Encouraging public involvement in the policy process.
- Supporting the development of an environment that stimulates a more reflective, evaluative and evidence based culture within the Authority and Service.

The Terms of Reference for the Committee can be found at Appendix A of this report.

2. Meetings

During 2016/17, the Committee met on the following dates:

• 05 September 2016
• 10 October 2016
• 14 November 2016
• 20 February 2017
• 27 March 2017
• 12 June 2017

3. Members & Attendance Record

	05/09/16	10/10/16	14/11/16	20/02/17	27/03/17	12/06/17
Councillor Barrie	√	√	√	X	X	√
Councillor Brackenridge	X	√	√	√	√	X
Councillor Dad	X	√	√	√	X	X
Councillor Hogarth	√	√	X	√	√	X
Councillor Skinner	√	√	√	√	√	√
Councillor Spence	√	√	√	X	√	√
Councillor Tranter	X	√	√	√	√	X
Councillor Young	√	√	X	√	√	√
Councillor Clinton (sub)						√
Councillor P Singh (sub)						√

Senior Officers from the Authority are also present as appropriate.

Working Groups are also appointed to consider scrutiny reviews. The Committee are to undertake a maximum of two such reviews each year. Each Working Group has a minimum of three Members allocated to it.

4. Business

During the year the Committee conducted the following business:

- Quarterly Analysis of Corporate Performance against 'The Plan'
- Diversity, Inclusion, Cohesion and Equality quarterly updates
- Dispute Resolution Monitoring
- Work programme selection
- Working Group Review of Partnerships (progress of outcomes monitored)
- Working Group Review of Data Sharing (review completed with proposals submitted and agreed, progress of outcomes monitored)

- Working Group Review of Positive Action and Firefighter Recruitment (initial scoping document submitted and working group established – it is expected that this review will be completed in 2017/18)

5. The Committee's main achievements

The Committee believes its key achievements during the year included:

- Regular updates on the outcomes and progress of the review of partnerships (undertaken during 2015/16) were provided at the bequest of Members of the Committee who wanted ensure progress was monitored.
- The working group review of partnerships had identified that the Service's data sharing arrangements were a potential area for concern and improvement. As a result of the recommendation from the findings of the review of partnerships, the Committee agreed to examine this area and undertook a review of data sharing. The review led to a number of recommendations to be implemented, the outcomes of which will continue to be monitored by the Committee as progress is made.
- The Service carried out a firefighter recruitment campaign during 2016/17 (a process that remains ongoing, with new recruits joining the Service in a phased approach). In doing so, the Service took a pro-active approach to aiming for an improve representation of under-represented characteristics using principles of positive action. Additionally, the Home Office have highlighted the issue of underrepresented groups within the workforce profile nationally and the need for the sector as a whole to address this. As a result of these developments both locally and nationally, a review of the Service's approach to positive action and firefighter recruitment will be undertaken, to include the examination of the associated protocols and procedures, analysing their effectiveness, and identifying and removing barriers where present. The review has been scoped and a Member led working party has been agreed. It is intended that the review

will be completed, and its findings submitted, during year 2017/18.

- An update was provided on the outcomes and progress made to date of the review of Safeside which had been carried out in 2013. The update reflected the changes at Safeside which had been made following recommendations from the review of partnerships, and that the environment that Safeside operated in had changed significantly since the review was conducted. The update raised a potential issue regarding the funding of transport and how to address the issue (transport had been raised by many education establishments as an obstacle potentially stopping attendance). An interim solution had been achieved and the subject would be submitted for consideration by the Committee during 2017/18.
- The robust monitoring of the Service's performance in the areas of Diversity, Inclusion, Cohesion and Equality, analysis of Corporate Performance against 'The Plan', workforce profile indicators and dispute resolutions.

Terms of Reference for the Scrutiny Committee

Scrutiny Committee

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 Executive Committee.

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

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 Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

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 or Executive Committee, 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, members of the Scrutiny Committee shall not sit on the Executive Committee.

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.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 18

26 JUNE 2017

1. ANNUAL REPORT OF THE AUDIT COMMITTEE 2016/17

Report of the Chair of the Audit Committee.

RECOMMENDED

That the Authority receives the Audit Committee's Annual Report 2016/17.

2. PURPOSE OF REPORT

This report is submitted to bring to the attention of the Authority the Annual Report of the Audit Committee for 2016/17.

3. BACKGROUND

- 3.1 In January 2009 the Audit Committee undertook its first annual self-assessment, in accordance with CIPFA recommendations. One of the Committee's conclusions was that, in order for the Authority to be fully effective in comprehending and assessing the control environment within which West Midlands Fire Service operated then it was necessary for the Committee to present an annual report to the Authority.
- 3.2 The Annual Report for 2016/17 is attached as an Appendix for consideration by the Authority. The report was approved by the Audit Committee on 12 June 2017.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

The Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

6. **FINANCIAL IMPLICATIONS**

The Accounts and Audit Regulations Act states that a relevant body must “maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices”.

BACKGROUND PAPERS

Audit Committee Annual Report 2016/17.

Tersaim Singh
Chair of the Audit Committee

Annual Report of the Audit Committee 2016/17

1. Background

The Audit Committee was established by the Fire Authority in January 2008. Its purpose is to provide:

- independent assurance on the adequacy of the risk management framework and the associated control environment,
- independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to
- oversee the financial reporting process.

The key benefits of the Committee can be seen as:

- Increasing public confidence in the objectivity and fairness of financial and other reporting.
- Reinforcing the importance and independence of internal and external audit and similar review processes.
- Providing additional assurance through a process of independent review.
- Raising awareness of the need for internal control and the implementation of audit recommendations.

The Terms of Reference for the Committee can be found at Appendix A of this report.

2. Meetings

During 2016/17 the Committee met on the following dates:

- 25 July 2016
- 5 September 2016
- 14 November 2016
- 16 January 2017
- 27 March 2017
- 12 June 2017

	25/07/16	5/09/16	14/11/16	16/01/17	27/03/16	12/6/17
Councillor T Singh	√	√	√	√	X	√
Councillor Aston	√	√	√	√	√	X
Councillor B Singh		√	√	√	√	X
Councillor Idrees		√	√	√	√	√
Councillor P Singh	X	√	√	√	X	x
Councillor Barrie (Sub)	√				√	
Councillor Sealey	X	√	X	√	√	√
Councillor Barlow (Sub)			√		√	
Councillor Mottram (Sub)					√	√
Councillor Cartwright (Sub)						√
Mr M Ager	X	√	X	√	√	X

4. The Committee's business

During the year the Committee conducted the following business:

Governance Statement – 2016/17
 Corporate Risk – Regular Updates
 Audit Committee Annual Report – 2016/17
 Audit Committee – Terms of Reference Review
 Audit Committee – Self Assessment of Good Practice
 Audit Committee Work Programme
 Statement of Accounts 2016/17

CIPFA Audit Committee Updates
 Updates on Topical, Legal and Regulatory Issues
 Treasury Management Annual Report – 2015/16 (and Mid-Year Review)
 Monitoring Policies on Raising Concerns at Work – Whistleblowing Policy
 Arrangement for the Appointment of External Auditors
 Breach of Disclosure Regulations

External Audit Plan 2016/17

External Audit Findings Report

External Audit – Annual Audit Letter 2015/16

External Audit – Audit Committee Updates

External Audit – Communication with the Audit Committee

Internal Audit Annual Report - 2016/17

Internal Audit Progress Reports

Internal Audit Charter – Annual Review

Internal Audit Plan – 2017/18

Notification of Submission of the Annual Scheme Return to the Pension Regulator

The Pension Regulator – Public Service Governance Survey

Minutes of the Pensions Board

5. Conclusion

The Committee was able to confirm:

- That the system of internal control, governance and risk management in the Authority was adequate in identifying risks and allowing the Authority to understand the appropriate management of these risks.
- That there were no areas of significant duplication or omission in the systems of internal control, governance and risk management that had come to the Committee's attention, and had not been adequately resolved.

6. Sources of assurance

The Committee gained assurance in order to produce the above conclusion, from the following sources:

The work of Internal Audit

The Internal Auditors gave the following opinion in their Annual Report for 2016/127:

*Based on the work undertaken during the year and the implementation by management of the recommendations made, Internal Audit can provide *reasonable assurance that the Fire Authority has adequate and effective governance, risk management and internal control processes. *We are pleased to report that this is an unqualified opinion and the highest level of assurance available to Audit Services. In giving our opinion it should be noted that assurance can never be absolute. The most that internal audit can provide is reasonable assurance that there are no major weaknesses in the Authority's governance, risk management and control processes".*

The work of the External Auditors

During the year the external auditors (Grant Thornton) reported back to the Audit Committee on a number of occasions as detailed in section 4 above. No issues of any significant concern were raised.

The Governance Statement

The Governance Statement operated throughout the year ended 31 March 2017 and up to the date of the approval of the annual report and accounts. The systems to ensure the management of the risks have been shown to be sound.

Risk Management

The Committee regularly receives and reviews the Authority's Corporate Risk Register, and assesses the assurance provided in order to demonstrate how risks are being mitigated.

7. The Committee's main achievements

The Committee believes its key achievements during the year were:

- Continuing to build a good working relationship with the Authority's external auditors Grant Thornton.
- Receiving and reviewing a number of useful sector updates from the external auditors.
- Following the final abolition of the Audit Commission, continuing to maintain an awareness of the likely changes to the appointment of external auditors through the Local Audit and Accountability Act.
- Reviewing the Committee's Terms of Reference in order to ensure they remain fit for purpose.
- Providing additional assurance through a process of on-going independent review.
- Raising the profile of internal control issues across the Authority and of the need to ensure that audit recommendations are implemented.
- Regular consideration and review of the Authority's Risk Register and accompanying assurances.
- Building the skills and knowledge of Committee members through regular technical updates and the consideration of related guidance issued by CIPFA.
- The continued presence of an independent member in order to broaden the Committee's experience and independent view point.

Terms of Reference for the Committee

Terms of Reference were reviewed in order to ensure that they remained fit for purpose, and that they reflected guidance provided in the Chartered Institute of Public Finance and Accountancy (CIPFA) Audit Committees – Practical Guidance for Local Authorities 2013 Edition:

Statement of purpose

Our Audit Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

Internal Audit

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To support the development of effective communication with the head of internal audit.

External Audit (Grant Thornton)

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose.

Pension Board

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the firefighters' pension schemes. The pensions board assists the Audit Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.

To submit its minutes and Annual Report to the Authority.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

26 JUNE 2017

Item 19

1. RESULT OF RECENT FIRE SAFETY PROSECUTIONS

Report of the Chief Fire Officer

RECOMMENDED

THAT the details of the fire safety prosecution be noted.

2. PURPOSE OF REPORT

This report is submitted to inform the Authority of the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

3. BACKGROUND

3.1 3-5 Meriden Street, Digbeth, Birmingham

3.1.1 This section of the report relates to 3–5 Meriden Street, Digbeth, Birmingham, and the prosecution pursued by this Authority against one defendant who was charged with a range of offences contrary to the Regulatory Reform (Fire Safety) Order 2005. This was as a result of concern following an inspection of an adjoining property.

3.1.2 The defendant was Mr. Azhar (aka Steve) Chohan of Edgbaston who acted as the manager of the property. The offences included no working fire alarm, no fire risk assessment, lack of structural fire resistance and locked exit doors.

3.1.3 Mr. Chohan pleaded guilty to one offence which included the details of the remaining offences. He was fined £12,000 and ordered to make a contribution of £15,000 towards costs to be paid within 18 months.

3.2 **Gateway Legal Professional Services (UK) Limited**

3.2.1 This section of the report relates to Gateway Legal Professional Services (UK) Limited and Mr. Joga Basra, the sole director of the company. Both defendants were pursued by this Authority following a failure to provide information as part of an investigation into fire safety offences that occurred on 2nd July 2015. The information was required to be provided under Article 27 of the Regulatory Reform (Fire Safety) Order 2005.

3.2.2 Mr. Basra was to appear at Wolverhampton Magistrates' Court on 30th March 2017 but failed to turn up.

3.2.3 In his absence both he and his company were found guilty of the offence.

3.2.4 Mr. Basra was fined £2,500 and ordered to pay costs of £882.87. Gateway Legal Professional Services (UK) Limited was fined £3,000 and ordered to pay costs of £882.87.

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**

The Regulatory Reform (Fire Safety) Order 2005 places a general duty on Responsible Persons, and others who have control to any extent, to provide general fire precautions to keep people safe in case of fire. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

6.1 **3-5 Meriden Street, Digbeth, Birmingham**

The award against the defendant covers the majority of costs incurred by the Authority in preparing the relevant prosecution file. The total prosecution costs were £18,500. The estimated cost of officer time spent on this case amounted to £5,500.

6.2 **Gateway Legal Professional Services (UK) Limited**

The award against the defendants covers all costs incurred by the Authority in preparing the relevant prosecution file. The total prosecution costs were £1,766. The estimated cost of officer time spent on this case amounted to £890.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Fire Safety Files

The contact name for this report is Gary Taylor - telephone number – 0121 380 6006.

PHIL LOACH
CHIEF FIRE OFFICER

Minutes of the Executive Committee

Item 20

27 March 2017 at 1000 hours
Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Allcock, Aston, Barrie, Barlow,
Cartwright, Atwal-Singh, Mottram, Davis
Councillor C Tranter (Chair of Scrutiny)

Apologies: Councillors P Singh, Sealey

1/17 **Minutes of the Executive Committee held on
12 December 2016**

Resolved that the minutes of the meeting held on
12 December, be approved as a correct record.

2/17 **Declarations of Interest**

There were no Declarations of Interest.

3/17 **Performance Indicators (PIs)**

Cllr Tranter had meet with officers on 20 February 2017 and viewed a series of presentations to enable the review of the Service Support and Service Delivery performance indicators for 2017/18. The presentations included the rationale that formulated the revised targets.

The Assistant Chief Fire Officer for Service Delivery, Gary Taylor had worked with stakeholders to:-

- Consider past performance results
- Review the internal strategies, the approach and external influences that will shape the 2017-18 performance and drive the target setting
- Identify the appropriate PIs for 2017-18

In setting the PI Targets for 2017-18

- Graduated Tolerances had been introduced, this would assist when numbers are small at the beginning of the year. A bigger tolerance would be allowed in Quarter 1 and would decrease when Quarter 4 was reached.
- An average of the three previous financial years had been used as a starting point.
- The Service had set realistic but challenging targets for 2017-18.
- The expected performance for the last quarter of 2016-17 had been estimated by using professional judgement and some forecasting
- In the unlikely event of the 2016-17 end of year outturn being significantly different to the estimated performance, members may be asked to amend the new targets
- The targets that had been set for 2017-18 have taken into account the commitment by the organisation to improve services and outcomes to the community
- All the targets had been set either below or at the three year average performance outturn.

In response to a Member's enquiry, ACO Taylor confirmed that the Service felt that the new targets 275,000* safe and well visits was achievable. The target had been missed for the last three to four years, however, following a review and with the use of systematic recording, it was felt that the target should be increased significantly as the systems were now in place to increase productivity to 1.5 visits per appliance, per day. It was considered an achievable target.

It was agreed that the Strategic Enabler (People Support Services) would check the Riddor Accident frequency rate, but the Deputy Chief Fire Officer felt that the figures were associated with the time that staff were away from work. The Service had very few reportable incidents.

In response to an enquiry regarding P114 the number of false alarm calls due to fire alarm equipment in dwellings & non-domestic properties, ACO Taylor confirmed the target had been set 10% below the three-year average. The 3 brigade support vehicles (BSVs) were considered suitable.

ACO Taylor confirmed that the Pareto principle, also known as the 80/20 rule, is a theory maintaining that 80 percent of the output from a given situation or system is determined by 20 percent of the input had been applied. The number of false alarm calls in hospitals and large buildings had reduced to within the acceptable tolerance level.

It was confirmed that Fire Officers now visit all premises and offer the same level of support to small and medium sized enterprises. It was no longer necessary to allocate a dedicated Fire Safety officer to Hospitals as the number of false alarm calls had reduced. The Service Delivery Model mean that although the service provided the same level of commitment, it was unable to attend all AFAs.

Following the integration of Prevention, Protection and Response a review of vehicles as taking place. Currently the BSVs were based in Birmingham, Coventry and the Black Country, a business case was currently being considered by the Strategic Enabling Team to procure a fourth BSV to provide a more dynamic fleet.

Charging the worst offenders for numerous false alarms had been considered and it was noted that other Services were now doing so, but the Service were working in partnership with the Combined Authority to attain a more sustainable approach. Charging had not been completely dismissed and if there was evidence of non-compliance, the Service may take measures to address this. The Service would maintain legal responsibility, but would be working through education, advice and guidance in the first instance.

The meeting concluded at 1018 hours.

Addendum to the Minutes

*At the meeting of the Executive Committee held on the 12 June 2017 the figure of 275,000 safe and well visits was amended to read 27,500.

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906

**27 March 2017 at 10.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Members of the Authority
Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Allcock, Aston, Atwal Singh, Barlow, Barrie,
Bennett, Booth, Brackenridge, Cartwright, Davis,
Eustace, Hogarth, Mottram, Sealey, B Singh, Skinner,
Spence, Tranter and Young
Mr Ager

Officers: West Midlands Fire Service
Deputy Chief Fire Officer (P Hales)
Assistant Chief Fire Officer (G Taylor)
M Griffiths (Treasurer),
A Afsar, J Connor, M Hamilton-Russell, R Ryman, S
Timmington, S Vincent, M Ward-White and S Warnes

Clerk and Monitoring Officer

K Gowreesunker (Clerk)
S Sahota (Monitoring Officer)

Apologies: Councillors: Clinton, Craddock, Dad, P Singh, T Singh
and Walsh
Chief Fire Officer (P Loach)

Observers: Nil

9/17 Chair and CFO Announcements

The Chair and the Deputy Chief Fire Officer welcomed all attendees to the Policy Planning Forum.

Policy Planning Forum 27 March 2017

Cllr Davis had been announced as the Mayor of Solihull. Cllr Davis had expressed his intention to continue as a Member of the Fire Authority. Members congratulated the councillor on his appointment.

Representatives of the Home Office had visited the Service in the previous week and it had been noted that they were impressed with developments and the progress being made by the Service.

An update was provided on the Service's continued support of the Firefighters Charity. March had been charity car wash month with a string of car washes having taken place across fire stations and headquarters. It was hoped that £10k would be raised by the end of March. Members were encouraged to attend and support events where practicable.

10/17 A Reformed Fire Authority

Cllr John Edwards, Chair of WMFRA, delivered a presentation and update on the subject of future governance:

Progress to date:

The potential changes of the Policing and Crime Bill (now an Act) for Fire and Rescue Services and particularly West Midlands Fire and Rescue Authority had moved the Fire Authority to commission a working group to consider the future governance of West Midlands Fire Service (WMFS) with the prime outcome of better collaboration.

The outcomes of the Future Governance Working Group identified that change was inevitable and that the Fire Authority should seek to influence this in many ways, the most prominent being the consideration of its size and structure to support future collaboration, that a two stage change in governance would not be ideal and that future governance through a Mayoral West Midlands Combined Authority (WMCA) would offer many opportunities for wider collaboration aligned to the Service's strategy.

Policy Planning Forum 27 March 2017

Outcomes of the public consultation, built into the Integrated Risk Management consultation held during December 2016 and January 2017, had indicated that a reformed Fire Authority and Mayoral WMCA were the most desirable options for future governance of the Service. It was also noted that in terms of responses received, the consultation had been the largest consultation held in the West Midlands for some considerable time.

The Fire Authority approved a strategy for the move to a Mayoral WMCA governance model on 20 February 2017. On 3 March 2017, the WMCA Board unanimously approved their support for the strategy.

Next steps:

The formation of a reformed, smaller Fire Authority, acting as an interim arrangement. It is possible that a new governance model tied in with the WMCA and Mayor could be delivered by autumn 2018. As a result, the interim Fire Authority could exist for a brief period.

The key principles are:

- Support future collaboration enabling improved community outcomes
- Diverse membership through co-opted partners
- Reduced membership / size
- Maintain Section 41 principles of accountability and transparency
- Refined committee structures
- Maintain proportionality across the seven Local Authorities

There are three proposals, with the number of elected members ranging from nine to 15, with resultant changes in proportionality.

Policy Planning Forum 27 March 2017

Co-opted partners could include representatives from the Ambulance Service, the Mayor's Office and the Office of the Police and Crime Commissioner (PCC). Indeed, PCC's have the ability to apply to be join Fire Authorities.

It was important to ensure Section 41 arrangements remained, to maintain the connection between the Fire Authority and Local Authorities. It was noted that there were some differences in the way Fire Authority developments and updates were fed back to the respective Local Authorities and there was a need to reach a shared and joint approach to ensure consistency and to ensure that the leaders of the Local Authorities were aware of what the Fire Authority were doing.

With regard to the timeline for such changes to be implemented, possibly at the AGM in June 2018, there were a number of actions that would need to be undertaken including:

- Fire Authority approval for a reformed Fire Authority option including size and make up enabling a process for reaffirmation of Local Authority consent
- Engagement with the Secretary of State
- Engagement with co-optees

Additional factors could include ongoing conversations and developments regarding Mayoral governance, the roles of the Mayor and West Midlands Fire Committee, learning from other areas including Greater Manchester Fire and Rescue Service / Greater Manchester Combined Authority, and the views of the Government.

In answer to Members' questions, the following points were raised:

- A commitment had been provided to the leaders of the seven Local Authorities regarding proportionality
- In terms of proportionality, in all three proposals Solihull would probably have one member on the Fire Authority

Policy Planning Forum 27 March 2017

- The proposals were based on what was practical for the Fire Authority and Fire Service, along with the wishes of the Government as well as those of the WMCA and other local partners.
- The possibility for co-opted members to be on the Fire Authority would allow the further development of collaborative opportunities, including the further development of links between organisations.
- The Labour and Conservative mayoral candidates see the benefit of the Fire Service being within the WMCA and both are keen to work with the Service at the earliest opportunity. Both candidates have also stated their opinion that the role of PCC should move across the Mayor's office following the elections in 2020.
- The WMCA had unanimously endorsed the move of the Fire Service across to the Mayor via the WMCA.
- It is envisaged that the Mayor would oversee strategic oversight with responsibilities including setting the budget and council tax precept, as well as strategic plans such as the approval of The Plan. The members, including mayoral nominations, would provide a political steer, undertake Section 41 roles, and fulfil Audit and Scrutiny functions.

11/17 Fire Service Inspectorate

Steve Vincent, Strategic Enabler Organisational Assurance, delivered a presentation on the Fire Service Inspectorate:

The Policing and Crime Act had enabled the establishment of an independent inspection regime for fire and rescue services within England. The Fire Services Act 2004 would be amended to enable fire inspectors to undertake joint inspections with Her Majesty's Inspectors of Constabulary (HMIC). The Home Secretary can appoint a Chief Fire and Rescue Inspector for England, approve a framework of inspection and appoint inspectors. Reports of inspections would be published as well as an annual report to Parliament.

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The Home Office had commissioned two pieces of work on a proposed inspectorate; from HMIC and Blue Light Works, both of whom had submitted options to the Home Office. The options had been considered but an anticipated announcement by the Minister of State for Policing and the Fire Service had been delayed.

The Chief Fire Officers Association (CFOA), including DCFO Phil Hales, had been involved in the discussions regarding the development of both options. The HMIC option was based on the Police Effectiveness, Efficiency and Legitimacy programme (PEEL) and therefore replicated the Police approach. The Blue Light Works option was similar to the approach taken by the Office for Standards in Education, Children's Services and Skills (OFSTED).

Key personnel would be recruited into positions following the announcement by the Fire and Policing Minister. There was still a keenness for inspections to be carried out during 2017/18 although possibly fewer than originally planned.

With regard to the Operational Assessment (OpA) sector led improvement process, it was still seen by the sector as a valuable tool, and an amended OpA was being put forward to compliment the inspectorate.

It was noted that the inspectorate could be resource intensive and discussions were ongoing within this area. There was the possibility that inspections could be undertaken by Fire and Police Officers.

In answer to Members' questions, the following points were raised:

- The Home Office had indicated a requirement for a team of 30 inspectors, plus associate inspectors to support the inspections which would include frontline staff (e.g. crew commanders and watch commanders).
- It was most likely that the inspectors would report to Her Majesty's Inspector.
- Both options would see the inspectorate report directly to the Minister.

**Policy Planning Forum
27 March 2017**

- It had been noted that there was currently a gap in governance nationally in terms of what would happen if an inspection led to a poor report and how this would be resolved for the Service in question. The Local Government Association had suggested that it could step in under some circumstances, building upon their experience within this field, rather than the Home Office. However, this was an area which required further development to progress.

12/17 The Plan

Mark Hamilton-Russell, Strategic Enabler Corporate Communications delivered a presentation on The Plan 2017-20, demonstrating the new approach to its publication:

The Plan had historically been published in the form of a PDF embedded on the website. The new revision of The Plan for 2017 – 2020 would see it published on an interactive website complete with videos and info-graphics.

The website was based upon the three principles of:

- What we do
- Why we do it
- How we do it

The change in format had allowed the language used to be toned down and terminology to be explained in further detail. The videos would feature sign language and subtitles would also be available.

It was noted that it was important how The Plan was communicated, to fully utilise all communication channels.

The meeting closed at 12:07 hours.

<p style="text-align: center;">Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>

Minutes of the Audit Committee

Item 22

**27 March 2017 at 1230 hours
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW**

Present: B Singh (Chair), Aston, Barlow, Barrie, M Idrees, Mottram, Sealey and Mr Ager (Independent Member)

Apologies: Councillors T Singh, P. Singh, P Farrow

7/17 **Minutes of the Audit Committee held on 16 January 2017**

Resolved that the minutes of the meeting held on 16 January 2017, be approved as a correct record.

8/17 **Audit Committee Terms of Reference**

The Committee considered the existing Audit Committee Terms of Reference in line with the guidance from CIPFA. Following a review, it was felt that the Terms of Reference were fit for purpose and no changes had been made in the previous twelve months.

Resolved that following a review of the terms of reference that the existing terms of reference be approved.

9/17 **Internal Audit Plan 2017/18**

The Committee received the internal audit plan for the period 2017/18 together with an indicative plan covering the period 2018/19 to 2019/2020. The plan would remain fluid and be kept under review and any proposed changes would be reported to the Committee for approval.

The Internal Auditor outlined the audit planning process and steps taken. This provides an independent and objective opinion and an Annual Governance Statement is provided at the end of the year. The plan takes account of strategic risk register, mandatory areas such as the key financial systems and areas where the auditor's knowledge, management requests and past experience are used.

The CIPFA scoring methodology is used to score auditable areas as high, medium or low risk and then identify the areas where assurance will be provided in 2017/18.

- High risk areas will be audited annually,
- Medium Risks may be visited once in a three-year cycle
- A watching brief remains on low risk areas.

In response to a request from a member of the Committee, the Auditor agreed to review the document and improve the referencing in respect of risks.

Resolved that the internal audit plan for 2017/18 be approved.

10/17 **Audit Plan 2016-17**

Approval was sought to Grant Thornton's Audit Plan 2016/17 which set out the work Grant Thornton would undertake in respect of the Authority's financial statements and delivery of its value for money conclusion on the Authority's arrangements to secure economy, efficiency and effectiveness.

Richard Percival, Grant Thornton, announced that this would be James Cook's last Audit Committee and he would now be the main Engagement Lead for the Committee.

The Code of Audit Practice requires Grant Thornton to issue a value for money conclusion. The conclusion will be based upon the criteria that the Authority has put into place proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

The National Audit Office issued its guidance for auditors on value for money work for 2016/17 in November 2016. The guidance identifies one single criterion for auditors to evaluate:

“In all significant respects, the audited body takes properly informed decisions and deploys resources to achieve planned and sustainable outcomes for taxpayers and local people”.

For 2016/17 the Authority is required to prepare the accounting statements by 30 June 2017 and to submit the audited 2016/17 accounts to the Authority for approval by no later than 30 September 2017.

The key developments were the Blue Light collaboration through the Policing and Crime Bill 2017 and the radical programme of Fire Reform. The key challenges were financial resilience and the Authority had considered and approved an efficiency plan to meet the impact that funding settlements would have.

The Authority would have a total reduction to core funding over the four year period 2016/17 to 2019/20 of approximately £9.4m (15% of 2015/16 core funding). The Integrated Risk Management Plan – Corporate Strategy Plan 2017 – 2020 had been refreshed and the Authority were clear that the plan could be delivered but this would be a challenge in the financial circumstances.

The Accounts and Audit Regulations 2015 require an earlier closedown of the 2017/18 accounts from approval by no later than 30 September to 31 July.

The Auditor determined the overall Materiality level to be £2,258k (2% of gross revenue expenditure).

The significant risks identified which the audit would focus on were:

- The revenue cycle includes fraudulent transactions;
- Management over-ride of control
- Actuarial value of pension liability.

In answer to a question about the risks involved in Partnership work, it was confirmed that appropriate arrangements are in places to manage the risks involved with partnerships including a process and milestones.

As partnerships develop, other arrangements may need to change and there could be knock-on implications. Officers would identify the risks involved.

The Committee thanked James Cook, Grant Thornton, for his support with the Audit Committee and the clarity of his explanations.

Resolved that Grant Thornton's Audit Plan to enable the delivery of the audit of financial statements and the value for money conclusion 2016/17 be approved.

11/17 **Corporate Risk Update**

The Committee received the Corporate Risk Assurance Map Summary and noted the position statement detailing the work undertaken in support of the management of each of the Service's Corporate Risks for Quarter 2 and 3 2016/17.

At the Audit Committee held on 25 July 2016, the Committee agreed to a new style of reporting and this was the first report to use the "new" and "revised" Corporate Risks.

Corporate Risks were those which, if they occurred would seriously affect the Authority's ability to carry out its core functions or deliver its strategic objectives as set out in the Plan.

The Corporate Risk Assurance Map summary provided a description of each risk and an overview of its rating. The Risk Register had been updated to include a new risk ILAP and included the direction of travel.

The Authority currently had nine corporate risks, some of which had more than one element. The revised 9 Corporate Risks were reported in Quarter 2 for the first time.

In Quarter 2 and 3 there were no increases or decreases in any of the risk scores.

Details of the Risk management activity undertaken or ongoing were:

- Corporate Risks 1, 2, 4 and 8 were awarded the highest level, a green confidence (substantial) opinion.
- Corporate Risks 3, 5, 7 and 9 were awarded a (satisfactory) amber confidence opinion and work was in progress to enabling a green rating to be attained.
- No red (limited) confidence opinions were awarded.

In respect of the Position Statement summary:

- Corporate Risk 1 – External (Political and Legislative) Environment. Although the risk score had not changed, the likelihood of governance was high. The current Future Governance Working Group had been added as an additional control measure to the risk register. This was being closely monitored due to the timescales and dynamic nature of the external environment.
- Corporate Risk 4 – Protection. The risk score has not changed but an additional control measure had been

added to the risk register. Protection continues to utilise the Command Risk Profiles produced through the Integrated Risk Management Team whilst ILAP is being developed. The direction of travel showed a red arrow on the corporate risk assurance map.

The emerging themes were the change from Airwave to a new programme of Emergency Services Mobile Communication Programme (ESMCP) that could raise risks both operationally and financially.

The other emerging theme was in respect of Business Development. Work was continuing to ensure that the target of £2m per year was achievable for commissioned activities.

The Committee would be provided with updates on these issues as they emerge.

In response to an enquiry about the protection risk showing a high level of confidence but the direction of travel moving downwards, the Deputy Chief Fire Officer explained that the risk had not changed but the Fire Safety Inspection programme was not where officers wanted it to be and steps were being taken to ensure that the risk is managed appropriately.

The Deputy Chief Fire Officer responded to a question about the possible connection with potential fires in business/derelict premises.

It was confirmed that the Regulatory Reform Order required the Authority to ensure that it makes the best use of resources and enforces the Order. The highest risks being those to life and property. A lot of new hotels were being built and the Service had taken a risk based approach to ensure the 66 Fire Safety Officers were prioritising the highest risks. A new system entitled Integrated Local Authority Partnership would provide clear information on resources and risk.

In response to a question on maximum cost recovery of court fees and costs, it was confirmed that the Authority do recover costs.

Resolved that the Corporate Risk Assurance Map summary be approved.

12/17 **Audit Committee Update for WMFRA**

The Committee received and noted an update from its external auditor which set out Grant Thornton's progress in delivering its responsibilities.

Emily Mayne, Manager, introduced Richard Percival, who would be taking over from James Cook, as the Engagement Lead and as the main contact at Grant Thornton.

In line with the Public Sector's Accountancy guidelines, the 2016/17 fee letter was presented to the Authority on 10 April 2017. The accounts audit plan had been received and an interim audit of the accounts was in progress. Work had been undertaken in key risk areas; payroll and operating expenditure and the final accounts audit were planned to commence on 30 May 2017. The Auditor had agreed the order of work and there had been good engagement with the Finance Team.

An initial risk assessment had taken place on the Value for Money conclusion and arrangements were in place to undertake this work to include financial resilience and partnership working with other emergency services.

The Policing and Crime Bill 2017 had received Royal Assent and engagement with the Fire Authority was on-going.

CIPFA had been working on the "Telling the Story" project which aims to streamline the financial statements and improve accessibility to the user. No significant change would be made and a more readable version would be provided to the Committee in the Summer.

The income spectrum – helping local authorities to achieve revenue and strategic objectives to create a vibrant economy. This report provides case studies, local authority spend analysis, examples of financial mechanisms and critical success factors to consider.

In response to an enquiry regarding the risk to the Authority moving the Mayoral Route to Governance and not taking the preferred government line of the PCC. It was confirmed that Greater Manchester had also taken a slightly different route and London, who were unique, were aligned to the Mayor. As the second largest fire authority in the country, the Authority had taken a decision to ensure what was best for the community of the West Midlands.

In light of the Income Spectrum, the Auditor was asked how they could support the Fire Authority in raising income. The Auditor was aware of the overall strategy and this would be discussed at a Value for Money meeting with the Clerk, Treasurer and Deputy Chief Fire Officer. There was scope to share examples of other local authorities, but there were not many other fire authority examples.

It was suggested that the Authority could be used as a case study and be shown to be leading the way. The Auditor confirmed he would be happy to work with the Authority.

In response to a question on the pension liabilities, and why the current shortfall was important, the Auditor explained this was to ensure that auditing standards were as comparable as possible with the private sector.

Following a review of the West Midlands Pension Fund the Auditor had also assisted with considering options for an appropriate way forward for the Authority which included making a lump sum payment and thereby receiving a discount.

13/17 **Communication with the Audit Committee for WMFRA**

The Committee received an update from the Authority's External Auditors, Grant Thornton, relating to the progress of the external auditors in delivering their responsibilities, which included matters that related to fraud, law and regulations, going concerns, related parties, and accounting estimates.

The Auditor stated there were no issues to be highlighted. The accounting estimates were attached as an Appendix to the report. No reports had been received under the Whistle

Blowing procedure and no legal action had been taken against the Authority. Appropriate arrangements were in place and The Auditor had no concerns about the following year's accounts. Testing will be carried out on related party transaction disclosures (gifts).

The Auditor had discussed the accounts with the Finance Team and was content. James Cook stated that it had been a privilege to act as the Authority's Auditor over the previous five years and found officers both professional and positive and had found appropriate solutions to difficult issues. He thanked the Audit Committee for their assistance in rising to the challenges faced by the Authority. The Authority had maintained a relatively good fiscal position in light of the challenges and were in a good financial position in relation to other Authorities.

14/17 Minutes of the Pension Board held on 6 February 2017

The Committee noted the minutes of the Pensions Board held on 6 February 2017. The Committee were introduced to the new Independent Chair of the Board, Mr Neil Chamberlain, Director of Commercial Services at West Midlands Police. Kal Shoker, Employee Representative of the Pension Board, had Chaired the meeting on 6 February 2017.

The next meeting would be held in May 2017 when the Board would be ensuring that appropriate arrangements were in place for the production of the Annual Benefit Statements 2017 in August 2017.

15/17 **The Pension Regulator – Public Service Governance Survey 2016**

The Committee noted the Pensions Regulator's Public Sector Governance Survey 2016 and the collaborative work to ensure a cost effective approach to training is provided regionally.

16/17 **Audit Committee Work Programme 2016/17**

The Committee noted its Work Programme and that a Risk Update on ESPCM and Minutes of Pensions Board would be considered at the meeting on 5 June 2018.

17/17 **Update on Topical, Legal and Regulatory Issues**

The Treasurer confirmed that in respect of the appointment of External Auditors, of the 492 eligible bodies, 483 bodies had agreed to “opt-in” to the sector led approach. This indicated a high level of support to the national approach.

(The meeting ended at 1320 hours)

Contact Officer: Julie Connor Strategic Hub 0121 380 6906

Minutes of the Scrutiny Committee

27 March 2017 at 12.30pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Tranter (Chair);
Councillors Booth (substitute for Cllr Dad),
Brackenridge, Hogarth, Skinner, Spence
and Young

Apologies:

Councillors Barrie and Dad

Observer:

Nil

7/17 **Declarations of Interest**

There were no declarations of interest.

8/17 **Minutes**

Resolved that the minutes of the meeting held on 20 February 2017, be approved as a correct record.

In answer to a Members' question, it was confirmed that the review of positive action had been agreed. Joanne Simmonds, People Support Manager, was to develop an action plan which would be submitted to the Committee at a future meeting. Additionally, the Service was looking at the consultancy Equal Approach and securing a relationship with West Midlands Police in preparation for the review.

9/17 **Review of Data Sharing - proposals**

Michele Pym, Strategic Hub Team Leader, provided an overview of the report 'Review of Data Sharing - Proposals':

The review of data sharing had been undertaken as a result of the outcomes of the previous review of partnerships, which identified data sharing as critical in the work that the Service carried out, identifying vulnerable people within our communities.

A working group had been set up consisting of Councillors Hogarth, Spence and Tranter.

The scope of the review looked at how the Service shared data with other organisations and how other organisations shared data with the Service. It was recognised that the Service worked with a range of partners to share data and support the delivery of The Plan in making the West Midlands Safer, Stronger and Healthier.

Key findings of the review included:

- Data sharing was a significant part of the organisation but the Service did not have an established policy or operating principles for data sharing.
- It was noted that the Management of Information policy (due to be published imminently) referred to data sharing but it comprised only a small part of the policy.
- Due to a lack of policy or operating principles, there was currently no central control of data sharing and subsequently no complete picture of the data being shared between the Service and other agencies.
- Current data sharing agreements were very large and over complicated.
- ICT systems needed to be inter connected ('able to talk to each other'), both internal and external.

The review had resulted in five proposals (appendices two and three of the report) which included:

- The development of a data sharing policy and supporting principles of operation to guide the organisation.
- A review of the governance of data sharing to be undertaken. This should be followed with the undertaking of a full audit throughout the organisation to determine the amount, type and purpose of the data that is being shared internally and externally.
- The template for the WMFS data sharing agreement needs to be reviewed with a view to it being simplified.
- A suitable approach for the effective management and control of data that is shared with partners should be identified.
- In developing the approach to data sharing, consideration to best practice should be considered and adopted if it is regarded to be appropriate to WMFS.

It was noted that an improvement would be observed with the introduction of the Management of Information policy and the implementation of Microsoft Office 365 across the Service.

Next steps:

- Approval of the proposals by the Scrutiny Committee.
- Report to be submitted to the Executive Committee (dependent of approval by Scrutiny Committee).
- Action plan to be agreed.
- Regular updates on progress to be provided to the Scrutiny Committee.

In answer to Members questions, the following points were raised:

- There was no requirement for an equality impact assessment to be carried out at this stage as it remained early in the process.
- The approach taken by the West Midlands Social Housing Group was a good example of best practice.

However, it was a relatively small group and there was a need for such an approach to be scaled up.

- A number of Members suggested that data sharing was a subject area where the Service needed to be cautious in its approach and there was a need for it to be managed carefully.
- It was important to remember that the Service wasn't just dealing with other agencies and partners but also dealing with individuals.

Resolved that the Scrutiny Committee approved the findings and subsequent proposals for change arising from the review of data sharing.

Resolved that the Scrutiny Committee approve the report to be submitted to the Executive Committee for consideration.

10/17 **Dispute Resolution Report**

Helen Sherlock, Senior Business Partner People Support Services, provided an overview of the Dispute Resolution Report (1 July 2016 to 31 December 2016):

There had been a total of four grievances lodged during the reporting period, three by Grey Book employees and one by Green Book employees.

With regard to investigations and disciplinary hearings, there had been nine cases under discipline:

- Eight cases were investigated under gross misconduct (seven resulted in a formal hearing, leading to four dismissals, and one resulted in no formal action)
- One case was investigated under misconduct (resulted in a formal hearing but the outcome was no formal action)

All nine discipline investigations concerned Grey Book employees and all nine were male.

At the close of the reporting period there were two outstanding claims against the Service lodged with the Employment Tribunals Service which were ongoing from

the previous reporting period of 1 January 2016 to 30 June 2016.

There had been one failure to consult submitted during this reporting period. The relevant representative body were in dialogue with the organisation to reach a satisfactory resolution.

There had been no collective grievances submitted during the reporting period.

The Service encouraged managers to deal with any issues earlier, in a bid to reduce the likelihood of issues escalating. Business Partners continued to provide support and guidance to managers to enable them to make assertive, safe and effective decisions in managing and supporting their staff.

The People Support Services team were working on a revised toolkit for managers, which would be shared with the representative bodies (who had welcomed the approach to ensure consistency within the process).

Collaborative working continued between managers, People Support Services and representative bodies including meeting regularly at the Joint Working Party to consider any issues that were raised.

In answer to Members questions, the following points were raised:

- If an individual is dismissed from the Service, they are entitled to draw their pension if they are of pensionable age, otherwise it is held in a balance until the due date. It is dependent to some extent upon which pension scheme an individual is in.
- Representative bodies would be informed at the formal process. Individuals have the opportunity to be accompanied by a representative body official.
- With regard to dismissals, no such decision is ever taken lightly and it would always be the absolute last resort.

Resolved that the Dispute Resolution Report to be submitted to the Joint Consultative Panel.

11/17 **Consideration of the Annual Report of the Scrutiny Committee**

Councillor Tranter, with the support of Stephen Timmington, Strategic Hub, would produce the annual report of the Scrutiny Committee. The report would be submitted at the next meeting of the Committee (5 June 2017).

1217 **Scrutiny Committee Work Programme 2016/17**

The Committee noted the progress of the work programme for 2016/17.

(Meeting ended at 13:16 pm)

Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680

Notes of Joint Consultative Panel

10 April 2017
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Clinton (Chair)
Councillors Edwards and T Singh

Apologies: Councillors Allcock and Booth
CFO Andy Hickmott, Association of Principal Fire
Officers (APFO)
Sarah Warnes, Strategic Enabler, People Support
Manager
Wendy Browning-Sampson

Employees Steve Price-Hunt – Fire Brigades Union (FBU)
Side: Andrew Scattergood (FBU)
John Routley (UNISON)
Vic Mallabar (UNISON)

Officers: Helen Sherlock, People Support Services
Karen Gowreesunker

6/17 Notes of the Joint Consultative Panel held on 6
February 2017

With the exception of the word “years” at the top of
page 5 of the minutes being changed to “months”. The
notes of the Joint Consultative Panel held on 6
February 2017 were received.

The Panel noted that the West Midlands Fire and
Rescue Authority had agreed to sign up to the Trades
Union Congress “Dying to Work” Campaign at the
meeting held on 10 April 2017.

7/17 Dispute Resolution Report

Helen Sherlock provided an overview of the Dispute Resolution Report, the purpose of which was to inform members of the Joint Consultative Panel (JCP) about the number, type and outcomes of discipline and grievance hearings and other dispute resolution including Employment Tribunal activity which had occurred during the period of 1 July 2016 to 31 December 2016. It was noted that at future meetings the report would be accompanied by a Powerpoint Presentation.

- 7.1 Appendix 1, Section A provided details of four grievances case during the period, decrease of seven from the previous reporting period. There were no collective grievances lodged during this report period.

- 7.2 There had been nine cases under discipline, eight were investigated under Gross Misconduct investigation and one case was investigated under Misconduct.

Seven of the gross misconduct cases went to a formal hearing and one investigation resulted in no formal action.

Following a hearing, there was no formal action in the case investigated under misconduct.

An analysis of protected characteristics were provided.

- 7.3 There are two outstanding Employment Tribunal claims from 2016.

- 7.4 Debriefs are continuing to take place after every case to capture the lessons learned. With the aim of achieving a consistency, a revised toolkit for managers, including template letters, is being produced. The Trade Unions are invited to attend all debriefs with the approach being approved by the Trade Unions.

- 7.5 Regular meetings continue to take place with the Trade Unions/Representative bodies at the Joint Working Party and regular updates will be provided to the Joint Consultative Panel.
- 7.6 A review of the grievances and disciplinary cases will be undertaken as they have increased in this period. The review will capture all of the learning to manages future cases appropriately.
- 7.7 One failure to consult complaint had been lodged within the reporting period. This has been dealt with before the Joint Consultative Panel. No collective grievances or failures to agree had been received.
- 7.8 There were eight Discipline Hearings during the reporting period, four of which had resulted in dismissals, this was higher than in the previous reporting period.

In response to a question from the Chair, it was confirmed that three of the cases were long standing and were from the previous reporting period and 1 case had been reported in the current period.

- 7.9 The FBU representative expressed concerns at the severity of the outcomes and two of the cases had resulted in Employment Tribunals and felt this was not where the organisation would want to be.

There had been three appeals that had not been overturned.

A total of four cases were outstanding, two Employment Tribunals

From the previous reporting period and two in the subsequent reporting period.

A debate followed on the number of recent dismissals and the Members were provided with a verbal update of the nature of the dismissals.

It was suggested that this information should be provided following the outcome of an Employment Tribunal as a final decision could result in two outcomes.

It was felt that the information would then provide patterns or trends.

This process would be reviewed.

8/17 Proposal for Presentation of Dispute Resolution Report

Helen Sherlock explained that the next meeting the Dispute Resolution Report would be accompanied by a Powerpoint presentation providing an overview of cases. This would be shared with the Unions prior to the JCP.

Further Employment Law training would be provided to members of the JCP following the Authority AGM when members are allocated to Committees.

The presentation was well received and was easy to understand. It was requested that the symbol for Religion and Belief be changed.

The Chair asked for information to be provided on contentious issues and it was confirmed that the People Support Service officers were available to provide details of the various contracts of employment to Members if they required further information.

John Routley suggested that Members should also be aware of the TUPE regulations as this may required in respect of the direction of travel in respect of the Mayoral route to governance through the Combined Authority.

It was agreed to investigate training opportunities for the Members in respect of TUPE.

9. Recognition of Union Representative, Vic Mallabar

The Chair and Members thanked Vic Mallabar for his work as the Unison Representative for many years on the JCP and for his 42 years' service with West Midlands Fire Service. The Panel wished him a long and healthy retirement.

(The meeting closed at 1315 hours)

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service 0121 380 6906

Minutes of the Appeals Committee

Item 25

15 May 2017
at Fire Service Headquarters, Birmingham

Present: Councillor Walsh (Chair)
Councillor Eustace
Councillor Barrie, Clinton, and Hogarth

Apologies: Councillor Spence

1/17 **Minutes of the Appeals Committee held on 23 November 2015**

Resolved that the minutes of the Appeals Committee held on 23 November 2015 be confirmed as a correct record.

2/17 **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 any individual.

3/17 **Submission of Internal Disputes Resolution Procedure (IDRP) for The Firefighters' Pension Scheme**

In accordance with the Authority's procedures, the Committee considered an appeal, made under Section 50 of the Pensions Act 1995.

The Strategic Enabler (Finance and Resources) attended the meeting to outline the decision of the Deputy Chief Fire Officer of the 22 December 2016.

Having considered the evidence submitted by both parties, the Committee decided not to uphold the appeal because scheme information, including the opportunity to "opt out" was provided to the Appellant/made available during the membership of the Scheme. The Committee did not consider any Regulations had been breached by the Pensions Section.

Resolved that the appeal is not upheld and the decision of the Deputy Chief Fire Officer issued on 22 December 2016 be confirmed.

(The meeting ended at 12.45 pm)

Contact Officer: Julie Connor Strategic Hub West Midlands Fire Service Telephone: 0121 380 6906
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12 June 2017 at 1030 hours

Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Members of the Authority
Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Allcock, Barrie, Booth, Cartwright, Clinton, Craddock,
Eustace, Mottram, Sealey, P Singh, T Singh, Singh-Atwal, Skinner,
Spence, Walsh, Young, Male, Miks, Williams

Officers: West Midlands Fire Service
Chief Fire Officer (P Loach)
Deputy Chief Fire Officer (P Hales)
Assistant Chief Fire Officer (G Taylor)
M Griffiths (Treasurer)
A Afsar, J Campbell, P Shergill, S Warnes, M Hamilton-Russell

Clerk and Monitoring Officer
K Gowreesunker (Clerk)
S Sahota (Monitoring Officer)

Apologies: Councillors Aston, Brackenridge, Dad, Davis, Hogarth, B Singh,
Tranter, Mr Ager

Observers: Nil

13/17 Chair and CFO Announcements

The Chair welcomed all attendees to the Policy Planning Forum and acknowledged the following new members; Councillors Male, Douglas-Maul, Miks and Williams.

The departing Councillors Singh, Skinner, Dad and Bennett were thanked for their service to the Authority.

The Chair had recently written to the 7 Metropolitan District Council Leaders to request their reaffirmation of their support for the reformation of the Fire Authority. Responses were awaited from Birmingham, Solihull, Walsall and Wolverhampton, and members were asked to pursue the responses.

The CFO gave an update on the postponed Reward & Recognition Awards. It will now be held on the 11th July 2017 at St Martin's Church.

17 New Recruits will be inducted into the Service on 24th July 2017 at Woodgate Community Fire Station and the CFO invited Members to the event to welcome them.

The Service had also recently recruited a female member to the ISAR (International Search and Rescue) Team.

Through the Charity Car Wash days, just over £15K had been raised for the Fire Fighters Charity. Fallings Park had raised the most in the UK.

14/17 **Route Map to Mayor – future governance**

The Chair gave an update to Members following discussions with the West Midlands Mayor.

Further updates will be provided to Members as and when the matter progresses.

15/17 **Local Collective Agreements**

The CFO delivered a presentation and update on the Local Agreement Framework.

The Service has implemented innovative ways of working to manage a reduction in central funding, largely supported by the delivery of wider healthcare commissioned services.

Following communication from the National Joint Council, it had been recognised that the current Emergency Response Trials are set to cease if there is no improvement on the proposed 1% pay cap. The number of fire related incidents have declined and our emergency response standards have made a difference to the local communities. This now prompts the formation of a local agreement to enable to continue delivery of the WMFS strategy, prior to the trials ending as this potentially could cause a breach of contract and a reluctance to re-engage with our Service.

This will be enabled through a progressive approach through management and staff negotiations and will be reporting back to the Authority upon completion.

Business Continuity Arrangements are also being considered.

16/17 **Arson Case Study**

The Strategic Enabler for Prevention, Jason Campbell delivered a presentation relating to the performance overview during 2016/17.

- Average attendance time was 4 minutes and 44 seconds.
- There had been a reduction in accidental non-domestic fires, largely helped using Business Support Vehicles.
- Also, a reduction in accidental dwellings fires, with WMFS bucking the trend nationally.
- Safe and Well visits currently at 42%, the target was 180,000 and the Service have completed 215,000 points. The Service have now increased the target to 50%.

Arson cases were specifically discussed:

- 4749 arson incidents in 2016/17 with these incidents representing 47% of the all fires that were responded to. This is a 21% increase on the previous year.
- There has been an increase in primary arson incidents across all 7 brigades.
- 6 deaths can be attributed to arson.
- There is a combined impact on both the community and economically.

Statistics outlining arson in dwellings, non-domestic, vehicle and derelict buildings were given.

Arson Fires in Dwellings

- Coventry are currently over performing and discussions with Operations Commander will be taking place to establish why they are having success in combating these types of incidents.
- The number of arson fires in dwellings has been steadily reducing over the previous 4 years, but with a slight increase of 7 incidents to 205 incidents in 2016/17.

Arson Fires in Non-Domestic Properties

- Prior to 2016/17, the number of arson fires in non-domestic properties had remained relatively static. However, in the last reporting year there has been a 52% increase on the 3-year average to 189 across the West Midlands.
- Operational crews spent a total of 7643 hours at arson fires in non-domestic properties in 2016/17.
- A large proportion of these incidents can be attributed to HMP Birmingham and it is envisaged that there may be a further increase when the smoking ban in prisons is introduced.

Arson Vehicle Fires

- Over the previous 5 years, arson vehicle fires have increased by 62% and this upward trend has been predicted to continue.

- In 2016/17, there were 913 incidents which is a 26% increase on the previous year.
- Operational crews spent a total of 3570 hours at arson vehicle fires in 2016/17.

Arson Fires in Derelict Buildings

- Arson fires in derelict buildings have been static over the previous 4 years, however there has been a 46% increase in these incidents (equating to 197 incidents in 2016/17).
- Operational crews spent a total of 1166 hours at arson fires in derelict buildings.
- The biggest increase has been in the Sandwell and Dudley Council areas, having a 75% increase on the 3-year average (89 incidents occurring).

With regards to this, the following actions are being undertaken:

- There will be a thematic arson review, led by Jason Campbell, which will help the Service understand the cause and impact these incidents.
- This will take a collaborative and centralised approach with Fire Authority members, West Midlands Police, Local Authorities and partner organisations, pooling knowledge, resources and expertise to look at the root cause of arson and ways that it can be tackled.
- This will be in combination with an Arson Reduction Strategy.
- Assurance for this will be obtained through quarterly reports.

Sandwell College Case Study

Following frequent targeted attacks at the disused Sandwell College, Fire Authority members worked with the council to act and serve a Section 215 notice on the owners. This ensures that the building is made safe and secure and this has resulted in attacks ceasing.

Members of the Fire Authority were asked to assist in the aim of reducing arson incidents, by using their influence and connections to create similar systems within their own local authority areas. Details of how this can be achieved will be distributed in due course.

The meeting closed at 1153 hours.

Contact:

Julie Connor: Julie.Connor@wmfs.net

Strategic Hub

0121 380 6906

Minutes of the Audit Committee

Item 27

12 June 2017 at 12:30 pm
at Fire Service Headquarters, Vauxhall Road, Birmingham
B7 4HW

Present: Councillors T Singh (Chair), Cartwright, M Idrees, Mottram, and Sealey

Apologies: Councillors Aston, B Singh, P. Singh
Mr Ager (Independent Member)

18/17 **Minutes of the Audit Committee held on 16 January 2017**

Resolved that the minutes of the meeting held on 27 March 2017, be approved as a correct record, subject to the following amendment:

In respect of minute 8/17, it was noted that the terms of reference of the Audit Committee should have included reference to the Pension Board.

19/17 **Governance Statement 2016/17**

The Committee received the Governance Statement for 2016/17.

It is a requirement for every Local Authority to produce a Governance Statement with its Statement of Accounts.

It was noted that the Governance Statement was designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can, therefore, only provide reasonable and not absolute assurance of effectiveness. The Governance Statement is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies, aims and objectives, to evaluate the likelihood of

those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The Governance Statement covered the following areas:

- Scope of Responsibility
- Purpose of the Governance Framework
- The Governance Framework, including specific reference to audit arrangements, corporate risk management arrangements and performance management
- Review of Effectiveness, including the Authority's political governance arrangements, the provision of internal audit, and the development of the Audit Plan
- Significant Governance Arrangements within the Authority, including the Authority's Corporate Strategy 'The Plan' and effectiveness of the Service Delivery Model, external audit work undertaken during 2016/17, and reference to the external environment that the Authority is operating in

20/17 **Monitoring Policies on Raising Concerns at Work – Whistle Blowing Standing Orders 2/20 and Regulation of Investigatory Powers Act 2000**

The Committee received and noted the report on Monitoring Policies on Raising Concerns at Work – Whistle Blowing Standing Orders 2/20 and Regulation of Investigatory Powers Act 2000.

One allegation of whistle blowing had been reported through the Whistle Blowing Policy (Standing Order 2/20), which had been raised by an external Brigade employee.

The allegation had been made during the year up to 31 March 2017.

It was reported that there had been no requests to enact the Regulation of Investigatory Powers Act 2000 in the last year up to 31 March 2017.

It was noted that the Whistle Blowing Policy (Standing Order 2/20) was scheduled to be reviewed at the end of 2017.

It was noted that the Data Protection Act 1988 had been consulted on and amended to include a policy on surveillance in May 2012. The Data Protection Act 1988 had now been added into Standing Order 01/05 Management of Information.

21/17 Annual Internal Audit Report 2016/17

Approval was sought for the Annual Internal Audit Report 2016/17 which had been compiled by the internal auditors.

The report detailed the work of the internal audit service undertaken in 2016/17, providing an opinion on the adequacy and effectiveness of the Authority's governance, risk management and internal control process. The contents of the report also provide one element of the evidence that is required to underpin the Authority's Governance Statement.

The report summarised the audit work undertaken during the year, including:

- the areas subject to review during the year (Auditable Area)
- the level of risk to the Authority assigned to each auditable area (high, medium or low)
- the number of recommendations made as a result of each audit review

- details of any work undertaken outside of the original plan

The report also provided a summary of the key control issues that arose during the year.

Customer satisfaction questionnaires were issued for all audits carried out. From the responses returned, the average scores were 4.5, which compared favourably with the target score of four (equalling good), representing a positive opinion.

The report provided a summary of the work completed to inform the 2016/17 Internal Audit Opinion:

- 11 areas were audited, one of which was carried forward to the 2017/18 plan
- The level of assurance for six of the areas had been rated as substantial and one area had been rated as limited. Three of the areas were not rated as the review of that particular area was ongoing at the time of the report.
- The area where the level of assurance had been rated as limited was Data Protection / IT, where it had been considered that the Authority could be at risk of continued data breaches and potential sanctions being applied by the Information Commissioner's Office. However, it was noted that management had recognised the importance of these issues as part of the Management of Information plan and had taken prompt action to address these matters.
- It was intended that Data Protection / IT would be revisited by the internal auditors.

Resolved that the Annual Internal Audit Report 2016/17 be approved.

22/17 **Annual Report of the Audit Committee 2016/17**

The Committee received the Annual Report of the Audit Committee 2016/17.

The report provided an overview of the business of the Committee during the year 2016/17, meetings held, Committee Members and attendance record, and the Committee's main achievements.

It was noted that the Committee Terms of Reference cited within the report required amending to reflect the role of the Pension Board and that the section would be corrected before submission to the full Authority.

Resolved that the Annual Report of the Audit Committee be approved and submitted to the Fire Authority, pending the amendment to the Committee Terms of Reference.

23/17 **Notes of the Pension Board**

The Committee received and noted the notes of the Pension Board (meeting held 9 May 2017).

The Committee was advised that the production and distribution of the annual benefit statements for this year were on target.

24/17 **Audit Committee Work Programme 2016/17**

The Committee noted the Audit Committee Work Programme 2016/17.

25/17 **Update on Topical, Legal and Regulatory Issues**

The Committee received a verbal update from the external auditor (Grant Thornton) that the work associated with the 2016/17 Statement of Accounts was currently on target.

(The meeting ended at 12:48 pm)

Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680

12 June 2017 at 1000 hours

Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Allcock, Barrie, Cartwright, Mottram, Sealey, P Singh,
Singh-Atwal, Skinner

Apologies: Councillors Aston, Dad, Davis, Tranter, Ager, Hogarth, Brackenridge

4/17 Declarations of Interest

There were no Declarations of Interest.

5/17 Minutes of the Executive Committee held on 27 March 2017

The figure of 275,000 visits was amended to read 275,000 points on page 3 of the minutes.

Resolved that the minutes of the meeting held on 27th March 2017, be approved as a correct record.

6/17 Review of Data Sharing – Proposals

Director of Service Delivery, Gary Taylor, presented an overview of the report on behalf of Councillor Tranter to the Executive Committee for the approval of proposals arising from the Scrutiny Committee following a review of the data sharing arrangements.

A Scrutiny Committee working group, combined with officers from the Strategic Hub, had reviewed how the Service shares data with other organisations and vice versa. A number of improvements have been identified and feature within the proposals made.

A summary of proposals arising from the Scrutiny Review of Data Sharing was discussed and work is currently underway with the aim of making significant progress by September 2017.

Following a member's enquiry, it was confirmed that a comparison of data protection policies is currently being undertaken by a key member of staff, who is engaging with partner agencies to look at this.

The latest events in London and Manchester have highlighted the reason for defined data sharing policies and procedures. The Service is as confident as it can be that there will be a co-ordinated response to a potential attack in the West Midlands.

In response to a Member's enquiry regarding the current situation of data storage, it was established that some data is still kept locally on spreadsheets. One of the digital strategy aims is to establish an application which maintains a single point of access to this information. The audit of current practices is currently in progress, the results of which will be reported back to the Scrutiny Committee Meeting.

The Executive Committee thanked the Scrutiny Committee for their work on the review of Data Sharing.

Resolved that the proposals contained within the Scrutiny Committees Review of Data Sharing report to be approved.

The meeting concluded at 1015 hours.

Contact Officer:

Julie Connor

Julie.Connor@wmfs.net

0121 380 6906

Strategic Hub

12 June 2017 at 12:30 p.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Spence (Vice-Chair),
Councillors Barrie, Clinton (substitute for Cllr Dad),
Singh (substitute for Cllr Hogarth), Skinner, and Young

Apologies:

Councillors Brackenridge, Dad, Hogarth, and Tranter

Observer:

Nil

13/17 **Declarations of Interests**

There were no declarations of interest.

14/17 **Minutes of the Scrutiny Committee held on 27 March 2017**

Resolved that the minutes of the meeting held on 27 March 2017, be approved as a correct record.

15/17 **Analysis of Progress of Quarterly Performance against 'The Plan' – Quarter 4 2016-17**

Gary Taylor - Assistant Chief Fire Officer (Director Service Delivery) gave an update on the end of year performance:

Response

PI 1 The Risk Based Attendance Standard

- The end of year performance gave an average time of 4 minutes and 44 seconds.
- Presented within the report the median attendance time to high-risk ('Cat 1') incidents in quarter four was 4 minutes 51 seconds, an increase of 11 seconds compared to the previous quarter.

- Quarter 4 was a challenging time due to the time of year and dark mornings.
- The overall assessment of performance showed there was an over performance against the tolerance levels, but the Service is still trying to improve.

It was noted that the year-end figure of 4 minutes 44 seconds would be included within the report and appendix. The respective sections have been updated and included as an addendum to these minutes.

Prevention

PI 2 The Number of Accidental Dwelling Fires

PI 3 Injuries from Accidental Fires in Dwellings

- Nationally PI 2 and PI 3 had plateaued
- Nationally there had been an increase in PI 3 but within the Service there had been a decrease – this had been a really good news story.

PI 4 The Number of Deaths from Accidental Dwelling Fires

- There were 13 fatalities at accidental dwelling fires in 2016/17, including four in quarter four
- This was a relatively low figure but the Service was looking to bring it down to single figures and then zero.
- One incident was completely preventable which involved a vulnerable person who had fallen asleep near a heater within a caravan.
- Suicides are not reported but there is a need to change the way the Service views this, as suicidal incidents are linked to mental health and are preventable.

PI 5 The Percentage of 'Safe and Well' Visits Referred by Our Partners

PI 6 The Number of 'Safe and Well' Points Achieved by The Brigade

- In PI 5 44.4% of Safe and Well visits during quarter four were a result of partner referrals, (42.2% overall for the year).
- The number of Safe and Well points achieved during quarter four were 15.4% above target, and the overall total for the year was 19.7% over the target for 2016/17.
- The average number of points per visit was 8.25 for the quarter and 8.08 for the year.
- Most vulnerable cases had been identified through the Service's partners.

- One visit to a vulnerable person has had more impact than carrying out five normal 'Safe and Well' visits.
- Evidence suggested that elderly people felt more confident following a 'Safe and Well' visit, as the average 'Safe and Well' visit lasts up to two hours and provides information around fire, safety within the home and wellbeing.

The Assistant Chief Fire Officer gave credit to the Scrutiny Committee group, for supporting the organisation review its partnerships arrangements.

PI 7 The Number of People Killed or Seriously Injured (KSI) in Road Traffic Collisions

- The number of 'KSI' had significantly increased.
- West Midlands Police have replicated a road safety team similar to that of the Service and would be linking in with the Service to enable a joined up approach.
- The Mayor now had a responsibility for roads and infrastructure.

The Assistant Chief Fire Officer was keen to work with the West Midlands Combined Authority.

PI 11 Arson Rubbish Fires

An increase had been predicted due to 'wheelie bins', but fortunately this had proven to not be the case.

A member asked if burning rubbish was illegal.

In response to the question it was advised burning rubbish was illegal and the Service encourages people to attend organised bonfire events.

For clarification burning garden waste is not illegal but bonfires are illegal under the Environment Act, due to the smoke caused from the burning products.

Although the Service does not class these incidents as arson, such incidents did have an impact on the environment. The Service cannot enforce but will work with families to try and deter them from burning rubbish.

PI 13 The number of accidental fires in non-domestic premises

PI 14 The number of false alarm calls due to fire alarm equipment

- The Business Support Vehicles (BSV's) had been revolutionary in reducing PI 14, and at the same time enabling appliances to be

available for service delivery. This was an idea which came from staff within the Service's Fire Safety department.

- Other Fire and Rescue Services were now looking at purchasing similar types of vehicles.
- BSV's will attend all false alarms and Fire Safety Officers will try and influence a change in behaviours.
- Overall the end of year performance had been positive and the Service would continue to address the arson indicators.

A member highlighted the on-going issue with rented properties and the length of time it takes for the Housing Department to renovate the property and move in new occupiers, once properties have been vacated.

In response to the issues it was advised information packs are being tailored for each Fire Authority member with contact information and will include details specific to areas.

The Assistant Chief Fire Officer asked if there were any more questions.

The members thanked the Assistant Chief Fire Officer for the end of year update on performance.

The Assistant Chief Fire Office left the meeting.

Sarah Warnes - The Strategic Enabler for People Support Services gave an update on the performance indicators for people support services.

PI 15 The Percentage Of Employees that Have Disclosed Their Disabled Status

- A target of 100% had been set for the disclosure of disability, the Service had achieved a disclosure rate of 92%.
- There had been a good direction of travel with a significant increase of disclosure.
- It was noted in some cases; declaration had not been made due to system error.
- The Service had been targeting members of staff who had not declared through their line managers and would continue to raise awareness of managing disability.

A member asked how the Service would know when 100% declaration had been achieved.

In response to the question it was advised that a report was produced every month to monitor disclosure.

A member asked how members of staff disclosed their disability status.

In response to the question it was advised there are a number of ways; either upon employment, within a selection process, or via targeting through line managers.

A member asked if physical disabilities included mental health.

In response to the question it was advised there is a wide range of disabilities which are monitored.

A member asked if the Service could help with mental health.

In response to the question it was advised that the Service would help, through line managers who are able to support individuals and put in place reasonable adjustments. The Service also had many support mechanisms through Occupational Health and had carried out a lot of work to raise awareness with regards to mental health and wellbeing.

Following the recent Dyslexia campaign there was a significant number of people who had disclosed.

A member asked if the Service had support in place for operational Fire Fighters and dealing with incidents.

In response to the question it was advised the Service provides a good level of support for staff dealing with incidents, such as defusing sessions, post incident debriefs along with cognitive behavioural therapy and counselling.

PI 16 The Number of Female Uniformed Staff

- It was reported there were 75 female uniformed staff within the Service (a reduction of three in the last 12 months).
- Positive action had been used during recruitment campaigns to encourage women to apply for the role of Fire Fighter.

A member asked why three women had left the service.

In response to the question it was advised two women had returned to Hereford and Worcester Fire and Rescue Service and one woman had left the Service for a career break.

PI 17 The Percentage of all Staff from Ethnic Minority Communities

- The performance was recorded within the tolerance levels.
- It was noted the percentage of staff from ethnic minority communities had been reasonably static due to a recruitment freeze.

PI 18 The Average Number of Working Days/Shifts Lost Due to Sickness – Uniformed Employees

- An average of 6.5 days was lost to sickness in 2016/17 which was a 6% increase compared to the previous 12 months.
- An under performance was recorded against the tolerance levels.
- The causes of sickness would continue to be monitored on a case by case basis to manage effectively.
- Tolerance levels for the number of sick days would be reduced from eight days to six days.
- The number of staff on restricted duties would be reviewed to identify if duties can be modified to enable staffing.

PI 19 The Average Number of Working Days/Shifts Lost Due to Sickness – Non-Uniformed and Fire Control Staff

- An average of 7.7 days was lost to sickness in 2016/17. This was a 13% increase compared to the previous 12 months.
- Non-Uniformed sickness was 7.2 days and Fire Control sickness was 11.6 days.
- An under performance was recorded against the tolerance levels.

PI 20 The Average Number of Working Days/Shifts Lost Due to Sickness – All Staff

- An under performance was recorded against the tolerance levels

There were no further questions from the members.

PI 21 The Total Number of Injuries

- The total number of injuries for quarter four were below target and the overall number of 131 for the year was the same as last year and the joint lowest level on record for the Service.

PI 22 The Total Number of RIDDOR Injuries

- An over performance was recorded against the tolerance levels.

The Strategic Enabler for People Support Services informed the Service had received a Workplace Wellbeing Charter Award.

The Chair asked for the good news item to be included within the end of year summary report.

PI 23 to Reduce the Fire Authority's Carbon Emissions

- An over performance was recorded against the tolerance levels

PI 24 to Reduce Gas Use of Fire Authority Premises

- An over performance was recorded against the tolerance levels

PI 25 to Reduce Electricity Use of Fire Authority Premises

- An over performance was recorded against the tolerance levels

Evidence suggested that there had been a good focus within the Service over the last ten years to reduce its carbon footprint and to reduce the use of gas, electric and heating on fire stations.

The Service will continue to reduce its carbon footprint.

There were no further questions from the members.

16/17 **Diversity, Inclusion, Cohesion and Equality (DICE) Update**

Sarah Warnes, Strategic Enabler People Support Services, provided an update on the recent 'DICE' activities.

- It was noted there were over 3,000 Community Members from a wide range of ethnic groups.
- The Service had received feedback from Community Members to help understand the potential barriers with applicants from underrepresented groups.
- The Service had set up a partnership with Job Centre Plus (JCP) to work with underrepresented groups across West Midlands to promote the Fire Service as a viable career and to support individuals through to application stage.
- The Service had recently attended 'Birmingham Pride' to promote the Services recruitment opportunities.
- The Service's 'DICE' team had been looking at areas for improvement following the 'Stonewall' assessment, focusing on declaration on sexual orientation in support of Lesbian Gay Bisexual Transgender (LGBT).

A member asked if the Service needed to know someone's sexual orientation.

In response to the question it was advised that it was not essential for the Service to know but it was important people felt safe enough to declare should they choose to do so.

- There will be 'DICE' Stations within the Service to promote 'DICE' within their local communities.
- The Service was looking to produce a Transgender policy.
- Staff within the Service would be attending the 'Women in the Fire Service Networking' event which was taking place 16th – 18th June 2017 which supports personal development.

- The 'DICE' team delivering the development and understanding of unconscious bias within the service.

There were no further questions from the members and the Chair thanked the People Support Manager for the report.

The members thanked Cllr Skinner for his commitment on the committee.

Cllr Skinner left the meeting.

17/17 **Positive Action and Firefighter Recruitment Scrutiny Review**

Joanne Simmonds, People Support Manager, provided a presentation on positive action and Firefighter recruitment:

- The vision of the Service was to be truly representative of the communities it served.
- There was a need to start to understand the feedback from support groups.
- Historically, BME groups and women were likely to be unsuccessful compared with white males, so the Service will ensure the attraction pool is increased.
- The Service would run an on-going recruitment process to enable sustained positive action.
- Social media was a cost effective and powerful tool and would be used to its full potential.
- The Service had been working with local colleges to promote recruitment.
- Recruitment 'Taster Days' would be held within communities.
- The Service would be continuing to work in partnership with 'JCP' to attend career events.
- The tracking of candidates from 'start to finish' would commence to understand why if candidates have been unsuccessful.
- The Service would be asking West Midlands Police about their selection process for shared learning.

The Committee noted the information in the report and the presentation.

The Committee requested a further update to be provided in due course.

There were no further questions from the members and the Chair thanked the People Support Manager for the presentation.

18/17 **Annual Report of the Scrutiny Committee 2016-17**

Resolved that the Committee approved the Annual Report. The Annual Report would be submitted to the Fire Authority on the 26th June 2017 for noting.

19/17 **Scrutiny Committee Work Programme 2016-17**

The committee noted the progress of the work programme for 2016/17.

Meeting ended at 13.50 p.m.

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