

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

14th April, 2014 at 11.00 am
at the Fire Service Headquarters, Birmingham

Present: Councillor Edwards [Chair];
Councillor Idrees [Vice Chair];
Councillors Aston, Singh Atwal, Auluck, Chambers,
Clinton, Collingswood, Davis, Delaney, Douglas-Maul,
Eustace, Finnegan, Hogarth, Mottram JP, O'Reilly,
Quinnen, Sealey, Shackleton, Singh, Spence, Tranter,
Walsh, Wright, Yardley and Young.

Apology: Mr Ager.

An apology was submitted initially for Councillor Clinton, who had been working with the Road Safety Team on Authority business prior to the meeting.

17/14 **Declaration of Interest**

Councillor Aston declared a non pecuniary interest in Minute No. 21/14 below (Transformation Fund Bids), as either of the proposed Fire Stations at Aston or Coventry might become his work base.

18/14 **Chair's Announcements**

The Chair asked all members to complete their circulated Related Party Disclosure form and return them to the Director of Resources at the end of the meeting.

He announced that the Shared Fire Control Project had gone live on 31st March, 2014 and was on time, under budget and running successfully. He commended the Deputy Chief Fire Officer and the Project Lead Officer for their teams' efforts in making the Project such a success.

West Midlands Fire and Rescue Authority – 14th April, 2014

The Chair commented on the recent Policy Planning Forum on 24th March 2014 at which the outcomes of delivery and views on the provision of a whole time fire service had been discussed. Until the end of February, 2014 the fire service had dealt with 10,800 protection service inspections, 24,000 home safety checks, 392 extractions from Road Traffic Accidents, 51 fire casualties and 325 people led to safety. This level of prevention would not have been achieved with a retained fire service. He intended to supply this information to the Minister for Communities and Local Government and to ask him to visit the West Midlands to discuss the matter.

The Chief Fire Officer thanked those members who had been able to attend the Service's recent Reward and Recognition Event on 28th March, 2014. He also wished to give his personal thanks to the Deputy Chief Fire Officer and Staffordshire Fire and Rescue Service for the successful go live of the shared fire control project.

The Chair allowed Councillor O'Reilly to express his regret that Commander Mal Fellows was moving from Northfield Fire Station. Councillor O'Reilly thanked Mal for his leadership and community intervention during his time at the Station.

19/14 **Minutes**

Resolved that the minutes of the meeting held on 17th February, 2014 be confirmed as a correct record.

20/14 **Chair's Committee**

The Authority received a report on proposals to establish a Chair's Committee to deal with urgent matters and any other issues allocated to it by the Authority from time to time.

The Executive Committee currently dealt with all matters of an urgent nature that could not be delayed until the next ordinary meeting of the Authority or the relevant committee. The Executive Committee was however relatively large, with a membership of ten members, and not easy to convene at short notice. It was suggested that a smaller committee be established to deal with urgent items. A similar arrangement had previously operated in the Authority.

West Midlands Fire and Rescue Authority – 14th April, 2014

It was proposed that the Chair's Committee comprise the Chair and Vice Chair of the Authority, together with the Leader of the Opposition and two other members [five members in all]. The creation of a further committee affected the total number of seats in the proportionality calculation for this municipal year and suggested an allocation of seats on this Committee in the proportion Labour 3; Conservative 1; Liberal Democrat 1.

Resolved:-

- (1) that a Chair's Committee be established to deal with all matters of an urgent nature which, in the opinion of the Clerk/Monitoring Officer, cannot be reasonably delayed until the next ordinary meeting of the Authority or the appropriate Committee;
- (2) that the Chair's Committee comprise the following members:-

Chair and Vice Chair of the Authority (Councillors Edwards and Idrees) (substitutes Councillors Tranter and Finnegan),
Leader of the Main Opposition Group (Councillor Davis – acting) (substitute Councillor Sealey),
Liberal Democrat Member (Councillor Eustace),
Councillor Spence (substitute Councillor Singh);
- (3) that, for clarity, the provision to deal with urgent matters be deleted from the terms of reference of the Executive Committee;
- (4) that the Clerk/Monitoring Officer be authorised to make the necessary amendments to the Constitution.

21/14 **Transformation Fund Bids**

At the Authority meeting held on 17th February 2014 members were informed that the Government's 2013 Spending Round had announced that £30 million resource funding would be made available to the fire sector for 2015 - 2016 to support transformation change.

West Midlands Fire and Rescue Authority – 14th April, 2014

A £45 million capital fire efficiency incentive fund was also announced. The allocation would be based on a competitive bidding process with transformation at its heart and aimed to encourage greater collaboration between the fire service and other emergency services and invest capital to ensure that fire service assets such as fire stations were appropriately located to provide efficient and effective service delivery.

Members now received an update on the arrangements for Transformation Fund Bids. On 5th March 2014, the details of the bidding process were announced by the Department for Communities and Local Government. Projects would be assessed against high level assessment criteria of:

- value for money (40%);
- transformation fund policy alignment (40%); and
- project deliverability, focusing on good project management (20%).

The bidding process would be broken into three 'lots' of projects valued up to £2m, between £2m - £5m and over £5m. Each authority could only make a maximum of one bid per 'lot'.

Subject to further discussions with partner organisations, there were three potential schemes at this stage which could form the basis of a bid. The schemes proposed were:

- Coventry Fire Station – This proposal also included discussions with West Midlands Ambulance Service (WMAS) and West Midlands Police who were also interested in operating from the same site.
- Fire Control Resilience Arrangements – An opportunity had been identified to explore the potential to provide a data link between the three largest fire controls in the country: Staffordshire and West Midlands, London and the North West. By developing shared data systems it might be possible for each fire control to handle the mobilisation arrangements of the others to provide added resilience in business continuity and national crisis. The bid for this funding was being led by London Fire Brigade.
- Aston Fire Station – An opportunity had arisen to work with WMAS in developing a joint site in Aston.

West Midlands Fire and Rescue Authority – 14th April, 2014

The closing dates for bids would be 4th June 2014 for fire and rescue authority bids and 17th June 2014 for syndicated bids from more than two fire and rescue authorities. It was proposed that the submission of any bids be delegated to the Chief Fire Officer, in consultation with the Chair, or dealt with by the Chair's Committee, if more appropriate.

Resolved that the submission of any Transformation Fund Bids to the Department for Communities and Local Government be delegated to the Chief Fire Officer, in consultation with the Chair, or, if timescales permitted, the Chair's Committee.

22/14 **Pay Policy Statement 2014/2015**

Further to Minute No. 7/14 (17th February, 2014), approval was sought to amend the Pay Policy Statement 2014/15 to take on board changes to the Local Government Pension Scheme 2013 Regulations which were published in March for implementation with effect from 1st April, 2014. Under Regulation 60(1) of the 2013 Regulations each employer was required to formulate, keep under review and publish its policies on certain discretions contained within the Regulations.

Resolved that the revised Discretions Statement of Policy, which forms part of the Pay Policy Statement for the financial year 2014/2015, be approved.

23/14 **Shared Fire Control Project Update**

The Authority received an update on the progress of the Shared Fire Control Project (SFCP) that the Service was collaborating on with Staffordshire Fire and Rescue Service (SFRS).

The Shared Fire Control Governance Board had met on 20th January 2014 and 5th March 2014 and received encouraging updates on the work and progress made with this collaborative project which had resulted in the successful go live of the new Shared Fire Control (SFC) on the scheduled date of 31st March.

West Midlands Fire and Rescue Authority – 14th April, 2014

Prior to the SFC go live Staffordshire Fire Control provided the resilience arrangements for WMFS Fire Control, and Shropshire provided resilience for Staffordshire. This arrangement had supported spike and spate conditions, and evacuation fallback events. With the move to the single facility these resilience arrangements had been amended.

To ensure the continuity of resilience arrangements, work had been on-going with London Fire Brigade (LFB) and the North West Fire Control (NWFC) to establish a tripartite arrangement. This had led to the provision of resilience for each Fire Control facility and subsequently ensured the continued delivery of the Fire Control function should circumstances arise that impacted on an individual Fire Service's ability to continue to provide a fire control function. To ensure a joint vision and set of deliverables an agreement had been reached between the parties.

To progress the resilience work, governance arrangements had been established which included a Strategic Board and an Implementation Board. All parties were represented through these governance arrangements. These resilience arrangements also provided elements of national resilience through the collaboration between three Fire Controls which combined receive and handle circa 40% of all 999 calls made within England. A separate funding submission would be made on behalf of the tripartite arrangement to the Fire and Rescue Authority Transformation Fund 2015/16 as referred to in Minute No. 21/14 above.

Approval was now sought of the Agreement for Resilience Services for the collaboration with London Fire Brigade and North West Fire Control.

Resolved:-

- (1) that the draft Agreement for Resilience Services with London Fire Brigade and the North West Fire Control be approved;
- (2) that the Deputy Chief Fire Officer be authorised to agree any future, minor amendments to the Agreement for Resilience Services.

West Midlands Fire and Rescue Authority – 14th April, 2014

24/14 **Contract Awards Summary for Period 1 October 2013 – 31 March 2014**

The Chief Fire Officer submitted a list of contracts in excess of £100,000 which had been awarded between 1st October, 2013 and 31st March, 2014.

25/14 **Minutes of the Audit Committee**

The minutes of the meeting held on 24 March, 2014 were received.

26/14 **Minutes of the Executive Committee**

The minutes of the meeting held on 24 March, 2014 were received.

27/14 **Minutes of the Scrutiny Committee**

The minutes of the meeting held on 31 March, 2014 were received.

It was noted that an amendment would be made to Minute No. 9/14 (An Analysis of Progress of Corporate Performance against 'The Plan' – Quarter Three 2013/14) in that the reference to transferring resources to general balances would indicate that these were ear-marked reserves.

28/14 **Notes of the Policy Planning Forum**

The revised version of the notes of the meeting held on 24 March, 2014 were received.

29/14 **Exclusion of the Public**

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Part I of Schedule 12A to the Local Government Act, 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006

relating to any individual and to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

30/14 **Grievance Procedure**

The Authority received a report on proposals for a process to progress and determine a particular grievance which had been raised within the Fire Service. The report also sought approval to carry out appropriate consultations on the proposed process with a view to the Authority adopting this or an alternative process for the future should similar circumstances arise.

On the current grievance it was anticipated that the Investigator would submit his report at the end of April 2014. The employee raising the grievance, and the officers involved, had been informed of the recommended process and no representations had been received. The proposals satisfied the Advisory, Conciliation and Arbitration Service guidance in terms of carrying out any necessary investigation to establish the facts of the case, formal meeting and appeal against any formal decision made.

It was proposed that the following process would form the basis of appropriate consultation with employees and representative bodies until the Annual Meeting when a process could be put in place should similar circumstances arise again:-

- External investigation commissioned by Clerk
- Clerk/Monitoring Officer to consider the investigation report and determine if there is a case to answer in any or all of the allegations and conduct any necessary grievance meeting
- Chair's Committee to determine any appeal arising by way of a review.

Resolved:-

- (1) that the Authority notes the receipt of the grievance and the commissioning of an external independent investigation;

West Midlands Fire and Rescue Authority – 14th April, 2014

- (2) that for the purposes of the grievance the Clerk/Monitoring Officer be authorised to consider the investigation report and determine whether there is a case to answer; and if she determines that there is a case to answer in any or all of the allegations, to conduct any necessary meeting;
- (3) that for the purposes of the grievance, the Chair's Committee be authorised to determine any appeal arising in this matter by way of a review of the previous decision;
- (4) in order to determine a process to deal with such matters for the future, consultation take place with employees and their representative bodies on a process to deal with any grievance matter falling outside the existing officer process as set out in Brigade Standing Orders Nos. 2/2 and 2/17 and that a report be brought to the Annual Meeting of the Authority or a future meeting of the Authority to establish a permanent arrangement for dealing with such grievances.

31/14

Emerging Risk to Shared Fire Control Facility

Members were advised of an issue which had been raised by the Fire Brigades Union (FBU) with regard to the Shared Fire Control facility in relation to the appropriateness of consultations with employees and their representative bodies as required under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

A formal response had been compiled and shared with the FBU and an answer was now awaited.

32/14

Proposed High Speed (HS) Rail 2 Route – Update 1

Further to Minute No. 3/14 of the Executive Committee (20 January, 2014), members received an update on the developments with HS2 negotiations. Meetings had been due to take place from January through to April 2014, to determine if an acceptable negotiated position could be determined prior to the start of the petition stage of the HS2 process.

West Midlands Fire and Rescue Authority – 14th April, 2014

An initial meeting with HS2 representatives took place on 30 January 2014. The content of that meeting did not provide responses to the Headquarter and Safeside site specific issues although the HS2 representatives acknowledged that engineering solutions would need further consideration. The next meeting had been scheduled to take place on 13 March 2014, however, a request was made by the HS2 representatives to cancel that meeting because the options study on the HQ and Safeside site had not been concluded due to that piece of work needing to be “thorough and comprehensive and present workable, practical and effective solutions”.

A further meeting took place on 3 April 2014. HS2 presented an options study but was not willing to provide copies of it without a Non-Disclosure Agreement, having previously not been willing to enter into an agreement as there were no options to discuss. HS2 representatives indicated that the petition phase was expected to be at the end of April/early May 2014, there having been slippage in the overall timeframe from an anticipated petition commencement at the end of April 2014. However this timescale itself was subject to further changes.

The Fire Authority’s Specialist Advisor in relation to this matter had previously indicated that if the HS2 proposals to the concerns were not acceptable to the Fire Authority, there would be a need to consider entering into the petition stage. If this course of action was taken, it had been indicated that the use of Parliamentary Agents would be required.

Following the meeting with HS2 the Fire Authority Specialist Advisor and Legal Advisor advised that a Non-Disclosure Agreement be entered into as soon as possible to enable the option documents to be released to the Fire Authority for full consideration; and for a Parliamentary Agent to be appointed as soon as possible to prepare and submit a petition to protect the Fire Authority’s position in negotiations and to inform the process.

The details of the petition phase had not yet been publicised. In addition, the content of any petition and the extent of any external support would depend on the proposals received from the HS2 representatives arising from the current series of meetings.

West Midlands Fire and Rescue Authority – 14th April, 2014

Members commented on whether any claim could be made against HS2 towards the costs of the petition proposals and were also informed that no information had yet been provided as to the level of noise and vibration that the headquarters would be subject to if the HS2 proposals went ahead and there was no agreement to relocate.

Members requested that, if time permitted, the action to enter into a Non Disclosure Agreement, the appointment of a Parliamentary Agent and the submission of a petition be reported through the Chair's Committee.

Resolved:-

- (1) that the Chief Fire Officer be authorised to take any necessary action to enter into a Non-Disclosure Agreement with HS2;
- (2) that the Chief Fire Officer be authorised take any necessary action to appoint a Parliamentary Agent to prepare and submit a petition.

(Meeting ended at 12.25 pm)

Contact Officer: Rosemary Jones Democratic Services Unit Sandwell MBC 0121-569-3896
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