

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.

West Midlands Fire and Rescue Authority
10 April 2017

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,

West Midlands Fire and Rescue Authority
10 April 2017

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.

West Midlands Fire and Rescue Authority
10 April 2017

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.

West Midlands Fire and Rescue Authority
10 April 2017

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.

West Midlands Fire and Rescue Authority
10 April 2017

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.

West Midlands Fire and Rescue Authority
10 April 2017

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

West Midlands Fire and Rescue Authority
10 April 2017

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.

West Midlands Fire and Rescue Authority
10 April 2017

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.

West Midlands Fire and Rescue Authority
10 April 2017

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).

West Midlands Fire and Rescue Authority
10 April 2017

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;

West Midlands Fire and Rescue Authority
10 April 2017

- 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.

West Midlands Fire and Rescue Authority
10 April 2017

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.

West Midlands Fire and Rescue Authority
10 April 2017

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.

West Midlands Fire and Rescue Authority
10 April 2017

(The meeting ended at 1205 hours)

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