



**WEST MIDLANDS
FIRE AND RESCUE
AUTHORITY
ANNUAL MEETING**

Monday, 25 June 2018 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>	D Barrie Z Iqbal K Jenkins S Spence
<u>Coventry</u>	C Miks S Walsh
<u>Dudley</u>	A Aston N Barlow
<u>Sandwell</u>	J Edwards C Tranter
<u>Solihull</u>	P Hogarth
<u>Walsall</u>	S Craddock A Young
<u>Wolverhampton</u>	G Brackenridge J Dehar
<u>Police & Crime Commissioner</u>	D Jamieson
<u>Co-opted Members</u>	TBC TBC

Fire Authority

You are summoned to attend the meeting of Fire Authority to be held on
Monday, 25 June 2018 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 the Fire Authority held on 16 April 2018 7 - 18
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- 11 Political Balance and Membership of Committees and Panels 91 - 96
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- 13 Appointment of Representatives to Serve on Other Bodies - Appendix 99 - 100

14	<u>Member Attendance at Conferences, Seminars and Visits</u>	101 - 104
15	<u>Governance Statement 2017-18</u>	105 - 114
16	<u>Monitoring of Finances</u>	115 - 120
17	<u>Annual Report of the Scrutiny Committee 2017-18</u>	121 - 128
18	<u>Audit Committee Annual Report 2017-18</u>	129 - 140
19	<u>Minutes of the Executive Committee held on 26 March 2018</u>	141 - 144
20	<u>Notes of the Policy Planning Forum 26 March 2018</u>	145 - 154
21	<u>Minutes of the Audit Committee held on 26 March 2018</u>	155 - 160
22	<u>Minutes of the Scrutiny Committee held on 26 March 2018</u>	161 - 166
23	<u>Notes of the JCP held on the 16 April 2018</u>	167 - 174
24	<u>Notes of the Policy Planning Forum 4 June 2018.doc</u>	175 - 182
25	<u>Minutes of the Audit Committee held on 4 June 2018</u>	183 - 188
26	<u>Minutes of the Scrutiny Committee held on 4 June 2018</u>	189 - 194
27	<u>Minutes of the Executive Committee held on 6 June 2018</u>	195 - 206
28	<u>Verbal Update on Trade Dispute</u>	
29	<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)

30 Planned Procurement Exercise For 2018-19

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Agenda prepared by Julie Connor

Strategic Hub, West Midlands Fire Service

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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 West Midlands Fire and Rescue Authority

**16 April 2018 at 1100 hours at
Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor John Edwards (Chair)
Councillor Mohammed Idrees (Vice Chair);
Councillors Allcock, Aston, Atwal-Singh, Barlow,
Barrie, Booth, Brackenridge, Cartwright, Clinton,
Craddock, Davis, Douglas-Maul, Eustace, Hogarth,
Male, Miks, Mottram, Sealey, T. Singh, P Singh,
Spence, Tranter, Walsh, Williams and Young

Mr Ager, Independent Members

23/18 Apologies for Absence

Apologies were received from Councillor Kate Booth.

24/18 Declarations of Interest in contracts or other matters

None were declared.

25/18 Chair and Chief Fire Officer's Announcements

The Chair welcomed Members to the final meeting of the Fire Authority in its current form. He felt this was an historic meeting as the Authority had been in its current format since the change of Legislation in 1985. Following the Police and Crime Act 201, the Authority did not have an option to stay in the same format and had made the decision to move to Mayoral Combined Authority Governance in Spring 2019 and the Authority would continued in a Reformed Format from June 2018. Appointments would be made in the normal way and the Authority would continue in a similar manner.

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The Chair wished the Members well in the forthcoming Local Elections in May and thanked everyone for their support and kindness since he commenced as Chair in 2011.

The last seven years had been the most difficult years because of budget reductions of £38m and a loss of a quarter of the workforce from support staff, firefighters and management. The Chair was proud that this had been achieved without enforced redundancies and maintaining response times, but he hoped to see the end of the cuts and better times ahead.

The political arrangements would be changing following the May Elections and the Chair wished Councillor Linda Clinton well in her new position as Lord Mayor of Birmingham.

Members noted the AFSA Conference being hosted by the Service on the 10/11 May and the Schools Quiz scheduled to take place at Safeside on the 9th June 2018.

Members were requested to complete their Third Party Disclosure forms before leaving the meeting.

The Chair informed the Authority that the Staffordshire Fire and Rescue Service would be moving under the control of the Staffordshire PCC. The Authority, Staffordshire County Council and Stoke on Trent Council had all objected to this move. The Home Secretary had agreed to the change.

The Chair stated that the Authority had made the right choice in agreeing to move to the WMCA and to continue to be part of local government, rather than be subsumed by PCC and thought the future did not good for stand-alone fire authorities.

Members of staff were welcomed to the meeting and the Chair confirmed that a statement by the local Secretary of the FBU would be made in private session following the public meeting.

The Chief Fire Officer (CFO) welcomed Mr Simon Brake, Chief of Clinical Commissioning Group.

The Authority were informed that Watch Commander Simon Griffith's condition had improved and he was now off the critical

list. He still had a long road to recovery and the Chief agreed to pass on the regards and good wishes of the Authority.

The CFO stated that two PCC Business Cases had been accepted in Staffordshire and West Mercia areas (Shropshire and Hereford and Worcester) which covered areas adjacent to the West Midlands boundary. It was confirmed that subsequent reports on the effect of these changes would be reported to the Authority.

A report would be submitted to the AGM of the Authority in June 2018 on scope of the review following the Memorandum of Understanding reached with Warwickshire County Council and Warwickshire Fire and Rescue Service.

Members were asked to support and communicate any forthcoming car washes being undertaken at fire stations raising funds for the Firefighters' Charity.

The CFO thanked everyone on behalf of Service, current and past Members, for their work together on the Fire Authority and gave his good wishes to Councillor Linda Clinton for her forthcoming Mayoral year and thanked her for her personal leadership on Road Safety in Birmingham and wider West Midlands area.

26/18 Minutes of the Fire Authority held on 19 February 2018

Resolved that the minutes of the Fire Authority meeting held on 19 February 2018, be confirmed as a correct record.

27/18 Widening Chief Fire Officer Accountabilities

The Authority noted the changing landscape of governance for Fire and Rescue Services and the impact on the role of the Chief Fire Officer (CFO).

An enabling report setting out the accountabilities had been considered by the Authority in February 2018 at both its formal meeting and Policy Planning Forum, setting out the rationale for proposed changes to CFO accountabilities, seeking to establish a widening of the current delegations to the Authority's

Constitution and there had been little change to the proposed CFO accountabilities.

The proposed accountabilities which will enable the most effective and efficient delivery of services to local communities are:

PROPOSED CFO ACCOUNTABILITIES

- 1 The proposed changes to the Constitution and CFO delegations as set out below, provide an overview of the widened accountabilities for the CFO role when compared with the current delegations provided in the constitution.
2. These proposals create clear lines of responsibility for the CFO role and aim to identify the role of the Strategic Enabling Team (SET) in the decision making process.
3. These proposals acknowledge the role of the Authority as a 'supervisory body' that ensures that West Midlands Fire Service performs efficiently and in the best interests of the public and community it serves. It means therefore that the Service is answerable for its actions and performance to the general public through the Authority.
4. The Authority remains a Corporate Body with the legal responsibility for making decisions (as set out in the constitution) about matters concerning the functions, powers, duties and responsibilities of the Authority, which are invested in it by statute and/or common law.
5. The proposed CFO accountabilities which will enable the most effective and efficient delivery of services to local communities are as set out below:
 - 5.1 **Full accountability of the CFO as Head of Paid Service for leading the Fire Service, setting the direction and culture of the service. *This will be achieved with direct involvement of the Strategic***

Enabling Team providing for a more cohesive working environment.

- 5.2 **The CFO is accountable to the Authority for delivering against the requirements of the Fire and Rescue Services Act, National Framework, Regulatory Reform Order, Civil Contingencies Act and other appropriate enabling legislation.**
These responsibilities will be achieved with direct involvement of the Strategic Enabling Team providing for a more cohesive working environment.
- 5.3 **The CFO is accountable for the preparation of the Integrated Risk Management Plan and the Strategy (The Plan) for the Authority to consider and approve.**
- 5.4 **Aligned to 5.5.3 above, the CFO and Section 151 Officer will propose an annual budget to enable effective and efficient delivery of the strategic priorities, for the Authority to consider and approve.**
- 5.5 **Operational independence of the CFO to deliver the strategic priorities as agreed by the Authority, aligned to the IRMP and The Plan. This will be achieved through the efficient and effective delivery of prevention, protection and response services to communities, enabled through accountability for decisions which, aligned to both organisational strategy and budget, will determine:**
 - a) **The staffing structure of all fire service workforce.** *Changes to this will be determined within the existing processes and policies of the Service and managed with the SET. The Employee Relations Framework provides a robust and transparent framework for engagement, consultation and/or negotiations regarding the future shape and structure of the*

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workforce. Any changes which will (or has the potential to) impact on the delivery of the strategy will be communicated to inform the Authority using existing and/or reformed governance structures.

- b) **Workforce planning and development to support Service transformation in the delivery of both current and future strategy.** *Workforce development is a national priority as the type, number and scale of incidents are changing.*

The workforce of the future for many fire services needs to be capable of providing prevention, protection and response services that stretch wider than the traditional and will see fire fighters working with and alongside other professions to deliver core services (i.e. police, ambulance, healthcare).

SET will work with the CFO to determine an evidence based approach to the transformation of services enabled through the development of the workforce, which enables the delivery of the Authority's strategy aligned to the agreed efficiency plan and budget.

As with a) the ERF will provide the established procedure by which staff and representative bodies will be engaged, consulted and negotiated with. The Authority will be engaged as appropriate through the Joint Consultative Panel as set out in the ERF.

- c) **The CFO is accountable for the management and allocation of assets and fleet to support the most effective staffing structure, delivery of services and SDM.** *The CFO will be accountable for the approval, movement and usage of these.*

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The SET will support the delivery of these accountabilities as delegated by the CFO.

- d) **The delivery of added value through the development and management of agile digital solutions.** *Driving change through moving from managing assets to services.*

5.7 CFO engagement in collaborative partnerships with other emergency services, as defined in the Policing and Crime Act 2017, and other public service providers.

This will be aligned to enabling the delivery of strategic priorities, where it is in the interests of efficiency and effectiveness and public safety to do so.

The CFO will engage with the Authority through meetings of the Policy Planning Forum and Fire Authority to vary the strategic objectives if needed and to inform of progress.

The above areas of proposed accountabilities will be reviewed against the Authority's standing orders to ensure each provides sufficient flexibility to enable effective decision making.

These widened accountabilities will remain open to the same transparency and scrutiny arrangements which currently exist within the Authority governance committee framework, as well as that provided for by both internal and external audit services.

Resolved:

1. That the changes proposed for CFO and officer accountabilities, set out in section 5 above, be approved.
2. That the Clerk amend the Authority constitution articles 4, 15 and part 3 scheme of delegations in line with resolution 1.

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28/18 **West Midlands Fire and Rescue Authority Governance**
Consultation outcomes report

The Authority noted:

1. The outcomes of the public consultation on the governance of West Midlands Fire Service (The Service) by the West Midlands Combined Authority (WMCA);
2. the amendments made to the indicative timeline;
3. the outcomes of WMCA constituent councils' Cabinet meetings to date on the consultation outcomes report;
4. the proposed next stages of the governance route – submission of scheme and governance review to the Secretary of State for the Home Office.

Members had recently received an update on the progress of the Route Map to Mayoral Governance at a recent Policy Planning Forum.

Five of the seven Constituent Councils had agreed the recommendations set out in the report. Following the approval of the two remaining Council Cabinet meetings, the proposal will be submitted to the West Midlands Combined Authority on the 25 May 2018 for approval with the aim of submitting the governance review, scheme and analysis of consultation to be reviewed by the Secretary of State in June 2018.

Receipt of the draft order from the Home Office was anticipated following the Summer recess 2018. To allow for effective adherence to the timeline, it had been requested of constituent councils that authority is delegated to the Leader and Chief Executive as required, to consider the draft order and provide consent to the order being laid before Parliament to enable the proposed governance changes, on behalf of the constituent councils.

The West Midlands Combined Authority Scheme, The “Have Your Say” Future governance of West Midlands Fire Service

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Consultation and a Summary of Consultation Responses were attached to the report as appendices.

Letters of support had been received in support of the proposals.

The highest area of Don't Know responses received were in relation to Question 5 of the questionnaire with 55 respondents choosing this option which equated to 5% of the responses received indicating a lack of understanding for local improvement.

29/18 **External Audit Work Programme and Scale of Fees for 2018-19**

The Authority noted the external audit work programme and scale of fees for the 2018/19 audit work to be undertaken by Grant Thornton UK LLP.

An exercise to outsource the public body audit work of the Audit Commission's in-house audit practice had been undertaken, the contract for undertaking of the external audit of the Authority was awarded to Grant Thornton UK LLP.

The majority of Authority's opted in to the Public Sector Audit Appointments Ltd (PSAA) arrangements.

The 2018/19 Work Programme as outlined in the Appendix to the report is very similar to what has taken place over the last few years 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 and the scale of fees proposed for the delivery of the 2018/19 is £29,750, a reduction of £8,886 compared to the 2017/18 fee of £38,636.

The Authority thanked the Treasurer and his team for the high quality of leadership and the savings made.

The Treasurer thanked the Authority and confirmed that he would pass the Authority's thanks onto his team, who delivered high quality work that was not always visible.

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30/18 **Contract Awards Summary for period to 31 March 2018**

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 September 2017.

31/18 **Statement of Assurance 2016/17**

The Authority received the Statement of Assurance 2016-17, which is legally required to be produced and reviewed on an annual basis under the Fire and Rescue National Framework.

The government requires any Statement of Assurance to cover four key areas. These are:

- Financial
- Governance
- Operational
- Future Improvements

In answer to a Member's enquiry, it was confirmed that a new forward would be added before the Statement was issued. The correct links would also be added to the document.

The Chair confirmed that the Authority was setting a balanced budget for 2018/19 and the Treasurer confirmed that the Statement of Accounts covered the year 2016/17 and felt it would be appropriate to recognise the context and identification of the general balances.

Over the next twelve months, it would be useful to include this in context of the report, however for the period that the Statement of Assurance covers it was not felt appropriate to make reference to this.

Alternative funding had been discussed at Policy Planning Forums and the issues in terms of the period being covered had been recognised in the current closedown of accounts where the legitimate use of reserves had been recorded.

The CFO stated that the Statement took a retrospective view and the outcomes of the Kerslake Report and revised National Framework were not reflected in the Statement, but would feature in future Statements of Assurance.

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It was agreed that the updated Forward would be circulated to Members and Statement of Assurance would be published with the new Forward.

Resolved that the Statement of Assurance 2016-17 be approved.

32/18 **Notes of the Policy Planning Forum held on 5 February 2018**

The notes of the Policy Planning Forum held on 5 February 2018 were received.

33/18 **Minutes of the Scrutiny Committee held on 26 February 2018**

The minutes of the Scrutiny Committee held on 26 February 2018 were received.

34/18 **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 Scheduled 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006 relating 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.

FBU members were requested to stay for the beginning of the private session only.

34/18 Statement by West Midlands Branch Secretary of Fire Brigade Union

The West Midlands Branch Secretary of the Fire Brigades Union addressed the Authority with reference to commissioning work, the 'Fired it Up Campaign', Back Home Safe and Well visits, their public petition, new entrant contracts and the basis of the trade dispute issued to the Authority on the 11 April 2018.

35/18 Management Response to Members

The Chief Fire Officer confirmed that the Clerk had received a letter from the General Secretary of the Fire Brigades Union on the 11 April 2018 setting out five areas to be addressed by the Authority and a response was required by the 23 April 2018 to avert a ballot for industrial action.

A discussion took place on the speech made by the Secretary of the West Midlands Branch of the FBU and the letter received from the General Secretary of the FBU.

The meeting concluded at 1237 hours.

Julie Connor Strategic Hub Julie.Connor@wmfs.net 0121 380 6906
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WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2018

1. **MEMBERSHIP OF THE AUTHORITY 2018/2019**

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 2018/2019.

3. **BACKGROUND**

The membership of the Authority for 2018/2019 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 the Fire and Rescue Authority (Membership) Order 2017, attached as Appendix 1.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

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Background Papers

Letters/emails from district councils.

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

Karen Gowreesunker
CLERK

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**Membership of the West Midlands Fire and Rescue Authority
2018/2019**

Birmingham

Councillor Zafar Iqbal* (Labour)	Councillor Kerry Jenkins** (Labour)
Councillor David Barrie (Conservative)	Councillor Sybil Spence (Labour)

Coventry

Councillor Seamus Walsh* (Labour)	Councillor Catherine Miks** (Labour)
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Dudley

Councillor Adam Aston* (Labour)	Councillor Nicolas Barlow** (Conservative)
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Sandwell

Councillor John Edwards* (Labour)	Councillor Christopher Tranter** (Labour)
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Solihull

Councillor Peter Hogarth* (Conservative)

Walsall

Councillor S Craddock* (<i>Conservative</i>)	Councillor P Young** (<i>Labour</i>)
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Wolverhampton

Councillor Greg Brackenridge* (<i>Labour</i>)	Councillor Jasbinder Dehar** (<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

Independent Member of Appointments, Standards and Appeals

Mr R Tomkinson	Standards Items only
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Co-opted Members of the Authority

To be approved	To be approved
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Police and Crime Commissioner

David Jamieson

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WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2018

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 Iqbal	Councillor Jenkins
Coventry	Councillor Walsh	Councillor Miks
Dudley	Councillor Aston	Councillor Barlow
Sandwell	Councillor Edwards	Councillor Tranter
Solihull	Councillor Hogarth	
Walsall	Councillor Craddock	Councillor Young
Wolverhampton	Councillor Brackenridge	Councillor Dehar

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.

Background Papers

Letters/emails from district councils.

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

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota
Monitoring Officer

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2018

1. GOVERNANCE OF THE AUTHORITY 2018/2019

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT following the reformation of the Fire Authority through the creation of 'The Fire and Rescue Authority (Membership) Order 2017' (Appendix 14), amendments to the Constitution regarding the structure and membership of all Committees together with their Terms of Reference as set out in Appendices 1 – 7, be approved.
- 1.2 THAT the calendar of meetings for 2018/2019 as set out in Appendix 8 be approved;
- 1.3 THAT no percentage increase be made in Members' Allowances in 2018/19 by way of indexing or otherwise;
- 1.4 THAT the Members' Allowances Scheme for 2018/19 as set out in Appendix 9 be approved;
- 1.5 THAT following the approval in Authority on the 10th April 2017 members note, an independent remuneration panel will be convened to review the Members' Allowances scheme and that the result of the review be reported to the 17 September 2018 Authority meeting;
- 1.6 THAT the Clerk be authorised to make and publish any necessary consequential amendments to other constitutional documents in the light of decisions made with regard to governance arrangements for 2018/19.

2. PURPOSE OF REPORT

This report is submitted for the Authority to determine its governance arrangements for 2018/19.

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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 has reviewed its Committee Structure and reduced its membership to 15 plus two co-opted members and the Police and Crime Commissioner.

These proposed co-opted members are set out in the Co-opted Members Report, agenda item 10.

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

2.1 (i) The Authority comprises of 18 members, 15 of whom are elected councillors, two co-opted members and a further membership to be held by the West Midlands Police and Crime Commissioner. The 15 members will be elected from the seven constituent district councils comprising the West Midlands.

Inserting:

Role purpose:

- *A wider consideration of collaborative opportunities through being more reflective of its partnerships*
- *Wider support of the priorities of public services across the West Midlands to enable increased value for local communities*
- *A more diverse membership providing for increased challenge and scrutiny.*

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3.3 The proposed Membership of all Committees have been revised to reflect the new Reformed Fire Authority.

The proposed Terms of Reference of the Fire Authority have been amended to include the roles and responsibilities of the Executive Committee. The Committee now comprises 15 Members, Police and Crime Commissioner and 2 Co-optees.

It is proposed that Article 4, The Authority, (Appendix 1) is amended to include the roles and responsibilities of the Executive Committee.

The Executive Committee is now proposed to be disestablished.

It is proposed that Article 6, Executive Committee, is deleted.

The Policy Planning Forum will no longer provide a forum for training and will now comprise of 15 Members, Police and Crime Commissioner and 2 Co-optees. Training and development for members will continue to be provided through the member training and development plan.

A proposed new Article 5, Policy Planning Forum, is attached as Appendix 2, amended to take into account these changes.

A new Governance and Transformation Committee is proposed to advise the Authority on the transition to the Mayoral West Midlands Combined Authority. The Committee will comprise 7 Members (one from each Constituent Authority) and a position exists on this committee for 1 Co-optee.

A proposed new Article 6 for the new Governance and Transformation Committee, is attached as Appendix 3.

The Scrutiny Committee terms of reference have been amended and in line with the disestablishment of the Executive Committee, its findings are now proposed to be reported directly to the Fire Authority. The Committee now comprises 7 Members and a position exists for 1 Co-optee.

A proposed new Article 7, Scrutiny Committee, is attached as Appendix 4, reflecting the above proposed changes.

The Audit Committee is now proposed to become the Audit and Risk Committee to reflect its role in monitoring the Authority's Risk Register. It comprises of 5 Members and 1 Independent member and a position exists for 1 Co-optee.

A proposed new Article 8, Audit and Risk Committee, is attached as Appendix 5, reflecting the above proposed changes.

It is proposed the Appointments, Standards and Appeals Committees should be combined into one Committee and comprise of 7 Members (one from each Constituent Council) and 1 Independent Member for Standards Issues only.

For Appointments Committee only, Cllr Brackenridge will become a full Member of the Committee replacing Cllr Dehar.

A proposed new Article 9, Appointments, Standards and Appeals Committee, is attached as Appendix 6 amalgamating Articles 9, 10 and 11.

It is proposed that the existing Articles 9, 10 and 11 are deleted.

It is proposed that the number of members of the Employer Representatives of the Joint Consultative Committee is reduced from 6 to 5.

The amended Terms of Reference of the Joint Consultative Committee are attached as Appendix 7.

The Constitution will be updated to include the amendments to the Articles.

Following a review of the Employee Relations Framework the Joint Consultative Panel Roles and Responsibilities will be reviewed and reported to the 17 September 2018 meeting of the Authority for approval.

3.4 Programme of Meetings

There have been five Authority meetings during 2017/18.

Six meetings of the Scrutiny Committee and the dates are now in line with the Quarterly Performance Review 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 and one meeting used for training purposes. One meeting of the Appeals Committee has been held during the year.

Four Executive Committee meetings held have been sufficient to deal with normal business and urgent business.

A proposed programme of meetings for 2018/2019 is attached for approval as Appendix 8.

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 2017/18 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 and given the reformation of the Fire Authority as approved in Authority on 10 April 2017 and the revised governance structure as proposed in this report (refer to paragraph 3.9) an Independent Review Panel to review the scheme of members allowances will be convened following the Annual General Meeting 2018 and its findings to be reported to the 17 September 2018 meeting of the Authority.

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- 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 9. The scheme has been revised to reflect the dissolved Executive Committee, new Governance and Transformation Committee and the amalgamation of the Appointments, Standards and Appeals Committee.
- 3.9 A diagram showing the proposed governance structure for 2018/19 is set out at Appendix 13. This structure has changed from the structure approved in 2017/2018 to reflect the Reformed Fire Authority.

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 10. A generic Role Map for all other Committees is attached as Appendix 11. Responsibilities of Elected Members of the Joint Consultative Panel are set out in Appendix 12.

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. Refer to new ACT

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

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structures and the payment of Members' Allowances.

6.2 The changes to the Authority will create savings of circa £88,000.

BACKGROUND PAPERS

Fire Authority Meeting February 2017

Fire Authority Meeting April 2018

Fire Authority AGM June 2017

Fire Authority Meeting February 2018

Fire Authority Meeting April 2018

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

Karen Gowreesunker
CLERK to the Authority

Additions are Highlighted and deletions are strike throughs

4.1 Legal Structure/Delegations

The Authority is a corporate body with the legal responsibility for making decisions about all matters concerning the functions, powers, duties and responsibilities of the Authority, which are invested in it by statute and/or common law. The Authority has delegated a range of decisions about various matters to committees and officers as set out in this constitution but has otherwise reserved powers to itself. The exercise of any delegated powers and decision making by committees appointed by the Authority and described in this constitution shall be subject to:-

- (i) statutory or legal requirements;
- (ii) standing orders and financial regulations of the Authority;
- (iii) strategic and corporate policies adopted by the Authority and/or any directions given by the Authority in relation to the exercise of delegated functions.

No delegation which may be given by the Authority shall preclude the reference of matters by a committee to the Authority, nor preclude the Authority from exercising any powers so delegated except where action has already been taken pursuant to a resolution of a committee under its approved terms of reference and delegated Authority.

4.2 Matters Reserved to the Authority

Only the Authority will exercise the following functions:-

4.2.1 Governance

- (i) Appointment of committees and panels, their terms of reference, appointment of chairs and vice chairs, Section 41 members and appointments to other bodies.
- (ii) Approval and variation of Authority procedural Standing Orders, procurement standing orders and Financial Regulations and any other standing orders/procedures/protocols deemed, by the Chair, to be reserved to the Authority.

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(iii) Approval of the Members' Allowances Scheme.

(iv) Establishment of a Standards Committee and appointment of the independent person(s) appointed in pursuance of Section 28 of the Localism Act 2011.

(v) Overview of corporate governance and the regulatory framework [delegated to Audit and Risk Committee].

(vi) Overview of governance arrangements in relation to any collaborative working agreements and shared service delivery arrangements [~~delegated to Executive Committee~~].

(vii) To ensure compliance in the management and administration of the Pensions Board.

4.2.2 Finance and Land Matters

(i) Capital and revenue budget setting including setting the precept and budget monitoring.

(ii) Approval of expenditure that exceeds that included in approved revenue or capital budget.

(iii) Approval of expenditure exceeding £250, 000.

(iv) Approval of the accounts and the Annual Governance Statement (delegated to the Audit and Risk Committee).

(v) Approval of the Property Asset Management Plan.

(vi) Acquisition and disposal of land and property where not otherwise delegated to the Chief Fire Officer.

(vii) Overview of internal and external audit functions [delegated to Audit and Risk Committee].

(viii) Matters reserved to the Authority under financial regulations and procurement standing orders including approving:-

The procurement process in respect of tenders with value in excess of £250,000

The award of contracts valued in excess of £100k where it is proposed to accept a tender other than the lowest price, or where there is no budget provision, or in any case where the Committee has reserved the right to approve the award of a contract

Approval of commissioning arrangements in excess of £250,000;

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Virement in excess of £100k

(ix) Approval of sponsorship arrangements in excess of £100,000

(x) Overview of the Authority's risk management strategy as defined in the Financial Regulations [delegated to **Audit and Risk Committee**].

4.2.3 Human Resources

(i) Approval of the staffing structure and pay and conditions of service for principal and statutory officers.

(ii) Appointment of Chief Fire Officer, Deputy and Assistant Chief Fire Officers - [delegated to **Appointments, Standards and Appeals Committee**]; appointment of the Clerk, Monitoring Officer and Treasurer.

(iii) Discipline and dismissal of the Chief Fire Officer, Clerk, Monitoring Officer and Treasurer; to hear and decide upon appeals by the Deputy Chief Fire Officer, and Assistant Chief Fire Officer against dismissal or other disciplinary action. **[Appointments, Standards and Appeals Committee]**

(iv) Deciding appeals under the firefighter pension schemes and the local government superannuation regulations **[Appointments, Standards and Appeals Committee]**.

4.2.4 Responsibility for Strategy under the Fire and Rescue Services Act 2004

(i) Ensuring that the Brigade delivers an effective and efficient fire and rescue service underpinned by prevention and protection activities.

(ii) Approval of 'The Plan' as prepared by the CFO (the Authority's strategic planning document), including:

* Any significant changes, which fundamentally change the priorities set out in The Plan.

(iii) Approval of the Authority's Community Safety Strategy (Integrated Risk Management Plan) as prepared by the CFO.

(iv) The strategy set via The Plan is reviewed each year and consideration of an amendment(s) to The Plan will be conducted via the framework as set out in Article 14.

(v) Approval of any significant matters arising from the consultation on 'The Plan' and the Authority's Community Safety Strategy. All matters arising from public consultation will be considered as part of the planning process and within the framework set out in Article 14.

The above reservations to the Authority, as part of the corporate planning process, will provide the Chief Fire Officer as Head of Paid Service with a clear framework of accountability to lead the organisation and set its direction and culture, to enable the effective and efficient delivery of statutory duties and the operationally independent planning and alignment of resources to risk to deliver the Authority's strategic priorities.

4.2.5 Generally

Any other matters which must by law be reserved to the Authority.

West Midlands Fire and Rescue Authority – Constitution

4.3 Authority Meetings

There are three types of Authority meeting:-

(i) The annual meeting

(ii) Ordinary meetings

(iii) Extraordinary meetings - These meetings will be conducted in accordance with the Authority's Standing Orders set out in Part 4 of this constitution

4.4 Executive Responsibilities

To consider recommendations from the Scrutiny Committee in respect of completed reviews and to respond to the Scrutiny Committee on what action it proposes to take

To approve the award of contracts valued in excess of £100,000 where it is proposed to accept a tender other than the most economically advantageous (highest score) or lowest price; or the value of the contract exceeds the identified funding provisions; or where the Committee/Authority has indicated at pre-tender stage that it reserves the right to approve the award of a particular contract

To monitor retrospectively twice yearly the award of all contracts in excess of

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£250,000 and in particular those to which an exemption to the Procurement Procedures has been approved.

To monitor retrospectively the award of contracts valued over £30,000 but less than £100,000 where a tender other than the most economically advantageous (highest score) or lowest price has been accepted, or where the contract has been extended and this was not an option at the time of the award of the contract.

To approve arrangements for partnership working, funding and/or goods, works or services provided freely from external sources, including external funding agreements, above £100,000 in value.

To deal with matters relating to the Members' Allowances Scheme.

To oversee member development activities including the identification of members' learning and development needs, the annual programme of development activities and the identification of resources to deliver an effective member development programme.

To consider and make recommendations to the Authority on the conditions of service and salary of the posts of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer.

Additions are Highlighted and deletions are strike throughs

Article 5 – Policy Planning Forum

- 5.1 The Authority has established a Policy Planning Forum comprising all elected, **co-opted** and independent members of the Authority. The Forum operates in a less formal setting than full Authority meetings, but is not open to the public or the press. The Forum is not a decision making body, but provides a forum for discussion of important issues affecting the Service prior to formal submission and discussion with members via the Committee framework as appropriate.

It is a successful feature of the Authority's governance arrangements and provides a forum for consultation on key policy areas affecting the Authority and service delivery. It is recognised as a particularly effective way of engaging members and officers on key discussions on major issues faced by the Authority.

~~The Forum also acts as a vehicle to provide training to members.~~

- 5.2 Role and Functions:

To provide for the consideration of key policy areas affecting the Authority and service delivery.

May refer matters to the Scrutiny Committee for consideration prior to Authority decision making and/or post Authority decision making.

To submit its notes to the Authority.

DRAFT New Article 6

Governance and Transformation Committee

The Authority has established a Governance and Transformation Committee of 7 Members.

The main purpose of the Committee will be to oversee progress of the draft order and timeline of transfer of governance to Mayoral West Midlands Combined Authority. This will incorporate:

Review of draft order on receipt from the Home Office

Consideration of proposals from the Home Office to support the Authority's alignment of expectations with respective local authorities

Members support in progression of overall timeline to enable governance change

Consideration of issues and the making of recommendations to the Authority on matters which will impact on:

- The proposals as set out in the draft scheme submitted to the Home Office
- The overall achievability of the timeline and governance transfer

Findings and recommendations of the Governance and Transformation Committee are to be submitted to the Authority by the Chair of the Governance and Transformation Committee.

To submit its minutes to the Authority.

Article 7 – Scrutiny Committee

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7.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives and ensuring that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

The main purpose of the scrutiny function is to:

- i) Inform Policy Development
(i.e. pre-decision scrutiny – to provide a political steer before a decision is taken/implemented. The Committee may do this by calling in matters considered at the Policy Planning Forum stage).
- ii) Hold Officers and the Service to Account
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon officers to respond to its enquiries).
- iii) Hold the Authority to Account:
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon relevant members to respond to its enquiries).
- iv) Conduct Reviews into Specific Issues:
(i.e. the Committee will identify matters that it wishes to conduct reviews into and call the relevant officers and members to assist it in carrying out those reviews).

In carrying out its role the Committee may look at both operational and strategic issues.

7.2 Role and Functions:

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 Authority**.

To track and monitor the implementation of review recommendations that are accepted by **the Authority**.

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 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 People Support 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, 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.

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In order to allow for separation of the scrutiny and decision making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

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.

Article 8 – **Audit and Risk** Committee

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- 8.1 The Authority has established an **Audit and Risk** Committee comprising ~~six~~ (five) members, selected in accordance with current **proportionality requirements**.
- 8.2 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee.
- 8.2.1 The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and 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 overseeing the Authority's financial reporting process.
- 8.2.2 The appointment is reviewed on a three-year basis.
- 8.3 Role and Functions:-

Statement of purpose

Our Audit **and Risk** 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 **and Risk** 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.

West Midlands Fire and Rescue Authority – Constitution

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 the 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.

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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 and approve 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.

Pensions Board

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the fire fighter pension scheme. The pensions board assists the Audit and Risk 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.

DRAFT New Article 9 , Appointments, Standards and Appeals Committee

ARTICLES 10 AND 11 AND ANY REFERENCE TO THEM IN CONSTITUTION WILL BE DELETED AND ALL ARTICLES RENUMBERED AFTERWARDS

Additions are Highlighted and deletions are strike throughs

Article 9 – Appointments, Standards and Appeals Committee

The Authority has established an Appointments Standards, and Appeals Committee under which allegations of breach of the member Code of Conduct can be investigated and decisions on allegations can be made. The Committee also operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters and the appointment of Principal Officers. The Appointments, Standards, and Appeals Committee comprises six ~~seven~~ members and at least one independent person in accordance with current proportionality requirements and to represent each of the seven constituent authorities.

9.1 Standards Role and Functions:-

To promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Authority.

To assist members and co-opted members of the Authority to observe the Authority's Code of Conduct for Members and Co-opted Members.

To advise the Authority on the adoption or revision of a Code of Conduct for Members and Co-opted Members.

To monitor the operation of the Authority's Code of Conduct for Members and Co-opted Members.

To advise, train or arrange for training for members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct for Members and Co-opted Members.

To determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Standards Committee under those arrangements.

To appoint Sub-Committees with delegated power to consider investigation reports and to conduct hearings on its behalf (including the imposition of sanctions).

To grant dispensations to members and co-opted members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

~~To exercise any functions which the Authority may consider appropriate from time to time.~~

~~To meet at least annually and as and when appropriate.~~

~~To submit an Annual Report to the Authority.~~

~~To submit its minutes to the Authority.~~

9.2 **Appointments** Role and Functions:-

To make the appointments of the Chief Fire Officer (CFO), Deputy Chief Fire Officer and Assistant Chief Fire Officer.

To make an appointment to act up to the post of Chief Fire Officer.

Following the consideration of a grievance, in respect of the CFO, by the Monitoring Officer and the appropriate application of the procedure set out in the relevant scheme of conditions, in line with the Association of Principal Fire Officer (APFO) guidance and authority standing orders:

To consider any appeal arising by way of a review of the previous decision

To hear and decide upon appeals by the Deputy Chief Fire Officer and Assistant Chief Fire Officer against dismissal or other disciplinary action.

To oversee, consider and where appropriate make a recommendation to the Authority on dismissal in respect of the CFO, following the appropriate application of the procedure set out in the relevant scheme of conditions, in line with APFO guidance and Authority Standing orders

For Appointments Decisions, Councillor Brackenridge will become a full Member of the Committee

Pursuant to Section 28(7) of the Localism Act 2011, to shortlist and interview candidates for appointment as independent person of the Standards Committee, and to make a recommendation to the Authority as to the person/s to be appointed.

Councillor Brackenridge will replace Councillor Dehar as a full Member of this Committee for Appointments.

~~To submit its minutes to the Authority.~~

9.3 **Appeals** Role and Functions:-

To hear and decide upon:-

Appeals under the Firefighters Pensions Scheme, New Firefighters Pensions Scheme and the Firefighters Compensation Scheme.

Appeals under the Local Government Superannuation Regulations.

~~To meet at least annually and as and when appropriate.~~

~~To submit an Annual Report to the Authority regarding its activities in relation to its standards role~~

~~To submit its minutes to the Authority~~

To exercise any functions which the Authority may consider appropriate from time to time.

To meet at least annually and as and when appropriate.

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To submit an Annual Report to the Authority
regarding its activities in relation to its role

To submit its minutes 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

6/5 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.

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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

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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.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY**CALENDAR OF MEETINGS 2018/19**

Date	Time	Meeting
<u>2018</u>		
Monday 25 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]
Monday 9 July	9.30 am	All Members Awareness Day
Monday 23 July	10.30 am	Audit and Risk Committee
Monday 3 September	9.30 am 10.30 am 12.30 pm 1.30 pm	Chair's agenda meeting Policy Planning Forum Audit and Risk Committee Scrutiny Committee
Monday 17 September	11.00 am to follow	<u>Authority</u> [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Thursday 27 September	3.00 pm	Pensions Board
Monday 8 October	09.30 am 10.30 am 12.30 pm	Governance and Transformation Committee Policy Planning Forum Scrutiny Committee
Monday 5 November	9.30 am 10.30 am To follow	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel (pre meeting tbc)
Monday 12 November	10.30 am 11.30 am 12.30 pm	Scrutiny Committee Audit and Risk Committee Governance and Transformation Committee
Monday 19 November	11.00 am	<u>Authority</u> [political groups at 10 am]
Tuesday 4 December	3.00 pm	Pensions Board
Monday 10 December	09.30 am 10.30 am	Transformation and Governance Committee Policy Planning Forum

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2019		
Date	Time	Meeting
Monday 14 January	10.30 am 12.30 pm	Policy Planning Forum Audit and Risk Committee
Monday 28 January	09.30 am	Governance and Transformation Committee
Monday 4 February	09.30 am 10.30 am To follow	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel [pre meeting tbc]
Monday 18 February	11.00 am	<u>Authority</u> [budget and precept setting] [political groups at 10 am]
Monday 25 February	10.30 pm	Scrutiny Committee
Monday 4 March	2.00 pm	Pensions Board
Monday 25 March	08.30 am 09.30 am 10.30 am 12.30 pm 1.30 pm	Chair's Agenda Meeting Governance and Transformation Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 8 April	11.00 am To follow	<u>Authority</u> [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 3 June	09.30 am 10.30 am 12.30 pm 1.30 pm	Governance and Transformation Committee Policy Planning Forum Audit and Risk Committee Scrutiny Committee
Thursday 6 June	14.00 pm	Pensions Board
Monday 10 June	10.00 am	Agenda Meeting
NEW MUNICIPAL YEAR Monday 24 June	11.00 am	<u>Authority</u> [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 shall be paid to each Councillor;
- (ii) an independent member's allowance of £350 shall be paid to each independent member on the Audit Committee.
- (iii) Co-optees will receive travel and subsistence expenses only

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 the higher 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

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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)

Schedule 1

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Schedule of Special Responsibility Allowances 2018/2019

<u>Responsibility</u>	<u>SRA (£)</u>
Chair	<u>24,500</u>
<u>Vice-Chair</u>	<u>12,250</u>
Leader of Principal Opposition Group	<u>7,350</u>
<u>Governance and Transformation Chair</u>	<u>8,575</u>
<u>Governance and Transformation Vice Chair</u>	<u>6,575</u>
<u>Scrutiny Committee Chair</u>	<u>8,575</u>
<u>Scrutiny Committee Vice-Chair</u>	<u>6,575</u>
<u>Scrutiny Committee Member</u>	<u>4,900</u>
<u>Joint Consultative Panel Chair</u>	<u>8,575</u>
<u>Joint Consultative Panel Vice-Chair</u>	<u>3,975</u>
<u>Appeals, Standards and Appointments Chair</u>	<u>8,575</u>
<u>Appeals, Standards and Appointments Vice-Chair</u>	<u>3,975</u>
<u>Audit and Risk Committee Chair</u>	<u>8,575</u>
<u>Audit and Risk Committee Vice-Chair</u>	<u>3,975</u>
<u>Elected Member Basic Allowance</u>	<u>3,500</u>
<u>Independent's allowances</u>	
<u>Independent Member of the Audit Committee</u>	<u>350</u>

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.

MEMBER ROLE DESCRIPTIONS 2018/2019

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 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;
- Diversity, Inclusion, Cohesion and Equality;
- 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;

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- 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;
- Diversity, Inclusion, Cohesion and Equality
- 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 Authority.

To oversee the implementation of recommendations that are accepted by the Authority.

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.

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ROLE OF THE COMMITTEE CHAIR

PURPOSE

To preside at meetings of the relevant Committee of the West Midlands Fire Authority and exercise any power or duty of Chair as permitted in terms of the West Midlands Fire Authority Terms of Reference

To ensure democratic decision making (as required) and the orderly conduct of meetings. Where a sub-committee or panel is established then this Article shall apply.

APPOINTMENT PROCEDURE

Committee Chairs are appointed on an annual basis at the Annual General Meeting of the West Midlands Fire Authority.

KEY ROLES

A Committee Chair will:-

- (a) In consultation with relevant Officers of the West Midlands Fire Authority, Ensure the Committee acts only within the Scheme of Delegation and complies with the West Midlands Fire Authority Procedure Rules, Financial Procedure Rules, West Midlands Fire Authority Policies and relevant legislation.
- (b) Preside over Committee meetings in a manner that encourages contributions and achieves the objectives of the meetings, including resolving conflict;
- (c) Be accountable to the West Midlands Fire Authority for the efficiency and effectiveness of the Committee meeting;
- (d) Present Committee recommendations to the West Midlands Fire Authority as appropriate;
- (e) Be consulted on matters within the Committee's jurisdiction, liaising with the Chair of the West Midlands Fire Authority and relevant Officers as appropriate;

- (f) Work within the West Midlands Fire Authority's Scheme of Delegation with Officers to enable efficient and effective decision-making.
- (g) Ensure the overall integrity of the decision-making process within the Committee, and that the process operates fairly and openly;
- (h) Work with the relevant Officers to confirm/set the agenda for meetings and sign the minutes of the preceding meeting, once these have been approved by the Committee; and
- (i) When consulted, agree aspects of the draft minutes of meetings prior to circulation.

ABSENCE OF CHAIR AND VICE CHAIR AT COMMITTEE

Should at any Committee meeting the Chair and Vice Chair not be present, then the Members present shall elect a Chair from those Members present for the duration of that meeting.

Responsibilities of Elected Members of the Joint Consultative Panel

1. Background

West Midlands Fire and Rescue Authority (WMFRA) 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 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

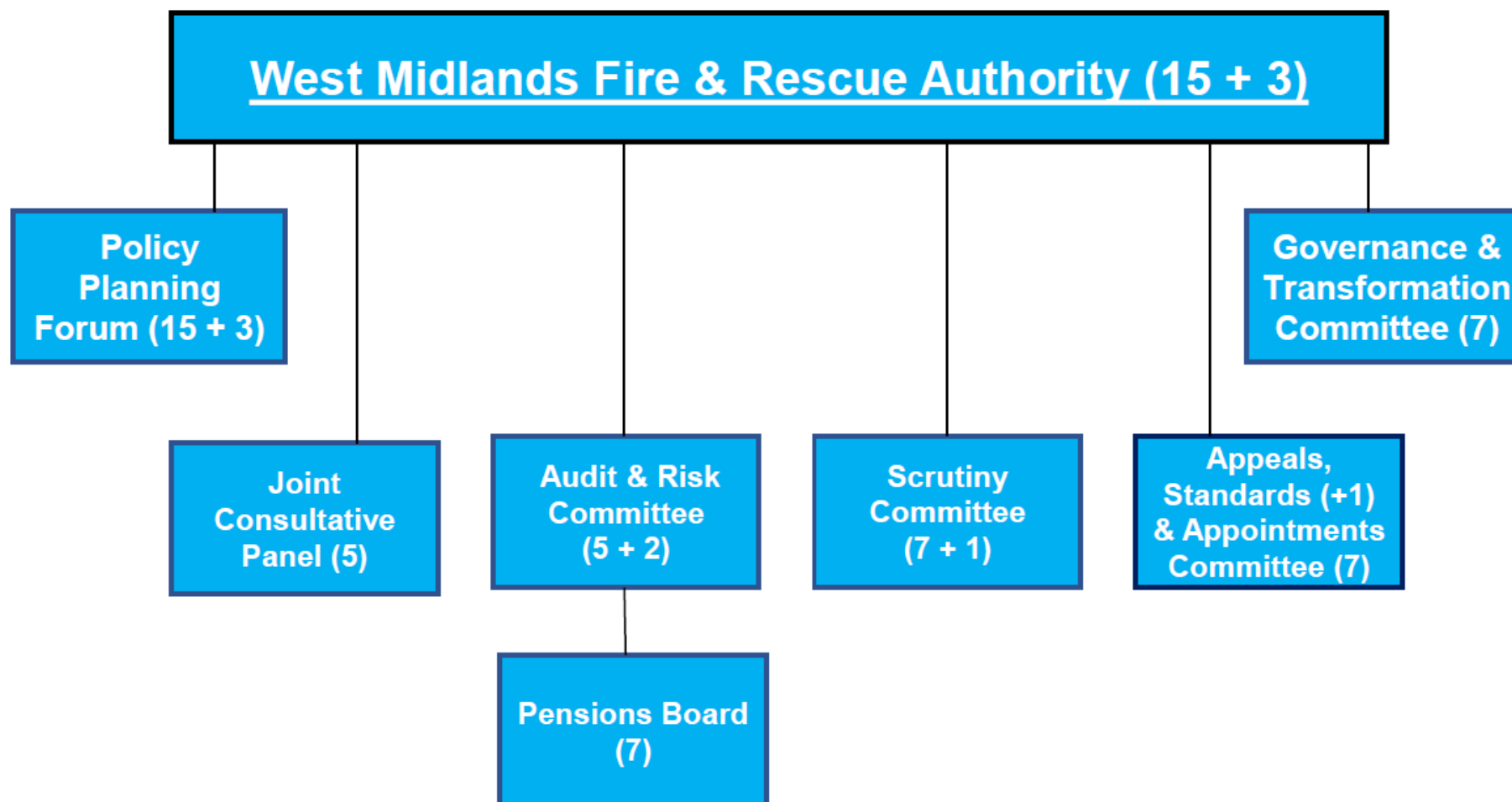
Elected members are bound by the Model Code of Conduct. This Code of Conduct should be considered prior to any discussions or conversations with Trade Union representatives outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

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.



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STATUTORY INSTRUMENTS

2017 No.

FIRE AND RESCUE SERVICES, ENGLAND**The Fire and Rescue Authority (Membership) Order 2017***Made* - - - - ****Laid before Parliament* ****Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by section 29(2) of the Local Government Act 1985⁽¹⁾ and sections 2(6) and 4(4) of the Fire and Rescue Services Act 2004⁽²⁾.

In accordance with section 29(3) of the Local Government Act 1985 the Secretary of State has had regard to the number of local government electors in the areas of the constituent councils appointing members to the West Midlands Fire and Rescue Authority and in accordance with section 29(4) of that Act, the Secretary of State has consulted with those constituent councils.

The variation to the Hampshire Fire Services Combination Scheme has been proposed by the Hampshire Fire and Rescue Authority ⁽³⁾.

The variation to the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme has been proposed by the Dorset and Wiltshire Fire and Rescue Authority ⁽⁴⁾.

Citation and commencement

1.—(1) This Order may be cited as the Fire and Rescue Authority (Membership) Order 2017 and except for article 2 comes into force on [].].

(2) Article 2 comes into force on 25th June 2018.

Amendment to the Local Government Act 1985

2.—(1) Local Government Act 1985 is amended as follows.follows.

⁽¹⁾ 1985 c. 51; there have been amendments to section 29 but none is relevant.

⁽²⁾ 2004 c. 21.

⁽³⁾ In accordance with section 4(5A) of the Fire and Rescue Services Act 2004 inserted by paragraphs 16(1) and (3) of Schedule 22 to the Deregulation Act 2015 (c. 20), the duty on the Secretary of State in section 4(5) of the 2004 Act in relation to consultation does not apply.

⁽⁴⁾ In accordance with section 2(6A) of the Fire and Rescue Services Act 2004 inserted by paragraphs 16(1) and (2) of Schedule 22 to the Deregulation Act 2015 (c. 20), the duty on the Secretary of State in section 2(6) of the 2004 Act in relation to consultation does not apply.

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(2) In Schedule 10 (number of members of joint authorities), in Part 6 (West Midlands), in the third column of the Table (number of members of metropolitan county fire and rescue authority)⁽⁵⁾—

- (a) in the entry for Birmingham for “10” substitute “4”;
- (b) in the entry for Coventry for “3” substitute “2”;
- (c) in the entry for Dudley for “3” substitute “2”;
- (d) in the entry for Sandwell for “3” substitute “2”;
- (e) in the entry for Solihull for “2” substitute “1”;
- (f) in the entry for Walsall for “3” substitute “2”;
- (g) in the entry for Wolverhampton for “3” substitute “2”.

Variation of the Hampshire Fire Services Combination Scheme

3. The Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996⁽⁶⁾ is varied in accordance with Schedule 1 to this Order.

Variation of the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme

4. The Dorset and Wiltshire Fire and Rescue Authority Combination Scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015⁽⁷⁾ is varied in accordance with Schedule 2 to this Order.

Date

Name
Minister of State
Home Office

SCHEDULE 1

article 3

1. In this Schedule “the Scheme” means the Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996.

Variation of Part 1 of the Scheme

2. In paragraph 2 (interpretation)—

- (a) after the definition of “constituent authority” omit “and”, and
- (b) after the definition of “the fire brigade” insert—

“and

“relevant police and crime commissioner means” a police and crime commissioner—

- (a) whose area is the same as, or contains all of, the area of the Authority, or

⁽⁵⁾ Paragraph 10 of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c. 36) provides that a reference to “metropolitan fire and civil defence authority” is treated as a reference to a “metropolitan county fire and rescue authority”.

⁽⁶⁾ S.I. 1996/2923; amended by Part 2 of Schedule 8 of the Local Government Act 2003 (c. 26).

⁽⁷⁾ S.I. 2015/435.

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(b) all or part of whose area falls within the area of the Authority.” .

Variation of Part 3 of the Scheme

3. For paragraph 11 substitute—

“(1) The number of members of the Authority shall be determined by the Authority but shall not exceed 25. The number of members of the Authority shall be determined by the Authority but shall not exceed 25.

(2) Each member of the Authority shall be appointed in accordance with this Part.”.

4. For paragraph 12 substitute—

“(1) Each constituent authority shall appoint such number of representatives as determined by the Authority to be members of the Authority. Each constituent authority shall appoint such number of representatives as determined by the Authority to be members of the Authority.

(2) In determining the number of representatives to be appointed by each constituent authority the Authority shall, so far as is practicable, ensure that the number of representatives of each constituent authority is proportionate to the number of local government electors in their area in relation to the number of such electors in the areas of each of the other constituent authorities.”.

5. After paragraph 12 insert—

“ Subject to paragraphs 12B and 12C, the Authority may appoint a relevant police and crime commissioner to be a member of the Authority. the Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

12B. A relevant police and crime commissioner may only be appointed as a member of the Authority in response to a request by the commissioner.

12C. If a relevant police and crime commissioner makes such a request the Authority must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such a manner as it thinks appropriate.

12D. Paragraph 12E applies where the Authority appoints a relevant police and crime commissioner to be a member of the Authority and the police and crime commissioner makes arrangements under section 18 of the Police Reform and Social Responsibility Act 2011⁽⁸⁾ to delegate their attendance at a meeting of the Authority.

12E. A person who attends a meeting of the Authority on behalf of a relevant police and crime commissioner—

- (a) may speak at the meeting but not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

6. In paragraph 13 after “the Authority” insert “appointed by a constituent authority”.

7. After paragraph 13 insert—

“ A relevant police and crime commissioner appointed under paragraph 12A shall, subject to paragraphs 14 and 15(2), be a member of the Authority until— A relevant police and crime commissioner appointed under paragraph 12A shall, subject to paragraphs 14 and 15(2), be a member of the Authority until—

- (a) a vacancy in the office of the police and crime commissioner is regarded as occurring for the purposes of section 59 of the Police Reform and Social Responsibility Act 2011, or

⁽⁸⁾ 2011 c. 13; section 18 was amended by paragraphs 52 and 53 of Schedule 7 to the Localism Act 2011 (c. 20) and paragraphs 115 and 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

- (b) if there is no vacancy in the office before then, the day on which their term of office as a police and crime commissioner ends in accordance with section 50(7)(b) of that Act.”.

8. In paragraph 16—

- (a) after “a member of the Authority”, the first time it appears, insert “appointed by a constituent authority”;

and

- (b) for sub-paragraph (2) substitute—

“If a member of the Authority appointed by a constituent authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless—If a member of the Authority appointed by a constituent authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless—

- (a) on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11; or
- (b) without such an appointment no meeting of the Authority would be quorate as a result of the quorum requirements required by paragraph 19.”.

9. In paragraph 19—

- (a) for “one third” substitute “one half”; and

- (b) for “each constituent authority” substitute “any two of the constituent authorities.”.

SCHEDULE 2

article 4

1. In this Schedule “the Scheme” means the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015.

Variation of Part 3 of the Scheme

2. In paragraph 6(1) for “30 members” substitute—

“~~“30”~~”.

3. For paragraph 7 substitute—

“—(1) Each constituent authority shall appoint 2 representatives to be members of the Authority.—
(1) Each constituent authority shall appoint 2 representatives to be members of the Authority.

(2) Each constituent authority shall, so far as is practicable, appoint such additional number of representatives to be members of the Authority as may be required to ensure that the total number of representatives is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities’ areas.”.

(Official – WMFS – Public)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments in relation to the membership of the West Midlands Fire and Rescue Authority, the Hampshire Fire and Rescue Authority and the Dorset and Wiltshire Fire and Rescue Authority.

Article 2 amends Schedule 10 to the Local Government Act 1985 to reduce the number of members to be appointed to the West Midlands Fire and Rescue Authority by each of its constituent councils.

Article 3 and Schedule 1 amend the Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996 in particular to make provision enabling the Hampshire Fire and Rescue Authority to appoint a police and crime commissioner whose police area wholly or partly coincides with the area of the Authority, as a member of the Authority. This reflects the provision made in section 7 of the Policing and Crime Act 2017 (c. 3) enabling police and crime commissioners to be represented on all types of fire and rescue authority.

Article 4 and Schedule 2 amend the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 to reduce the maximum number of members of that Authority from 30 to 18.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2018

1. APPOINTMENT OF CO-OPTED MEMBERS TO THE AUTHORITY

Report of the Chief Fire Officer.

RECOMMENDED

THAT Members approve the appointment of the Co-opted Members to the Authority.

THAT Members note the arrangements for Co-opted Members including:

- Authority and Committee membership
- Allowances and expenses

2. PURPOSE OF REPORT

This report is submitted to the Authority to seek approval of the appointment of the Co-opted Members to the Authority.

For the purpose of this report, the co-opted members invited to take up a position on the Authority are as follows:

- Professor Simon Brake, Chief Officer, Walsall Clinical Commissioning Group
- A representative from the Black Country Consortium

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 '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 Authority's 'route to future governance' approved at the Authority meeting held on 20 February 2017, and as outlined within the report 'Governance of the Authority 2017/2018' submitted to the Authority on 26 June 2017, the Authority opened its membership to four co-opted members, as part of the move to a Reformed Fire Authority and to further enhance collaborative working with partner organisations. Following developments as part of the future governance work stream, the number of co-opted members was subsequently revised to two.

3.3 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 as appointed
- 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.

3.4 Two co-opted members have been proposed from partner agencies and organisations, aligned to the vision of the Service of 'making the West Midlands safer, stronger and healthier'. The co-opted members proposed to join the Authority are:

- Professor Simon Brake, Chief Officer, Walsall Clinical Commissioning Group
- A representative from the Black Country Consortium

- 3.5 The proposal of the above co-opted members has been made based on the skills, experience and collaborative focus they can bring to the Authority, whilst still broadly aligning to the expectations set out in the aforementioned 2017 Authority reports. Both co-optee proposals bring considerable experience and influence within their respective sectors of health, community and business, complimenting and enhancing the Authority's commitment to collaborative working and continued improvement. A biography for Professor Simon Brake is detailed within Appendix 1.

Fire Authority and Committee Membership

- 3.6 The co-opted members representing business and health may be granted positions on the Fire Authority and on respective Committees of the Authority. The terms of reference for the following committees will enable a co-opted member to attend: Audit and Risk, Governance and Transformation and/or Scrutiny Committee).
- 3.7 The co-opted members representing business and health will not have voting rights at full authority or any committee.
- 3.8 Committee membership, terms of reference, and a role description for co-opted members is detailed within the report 'Governance of the Authority 2018/19'.

Allowances and Expenses

- 3.9 Allowances and expenses are in accordance with the Members' Allowance Scheme (Part 6 of the Constitution) and as detailed within the report 'Governance of the Authority 2018/19'.
- 3.10 Co-opted members are not subject to receipt of an allowance (with the exception of independent members on the Audit Committee).
- 3.11 Expenses can be claimed under certain circumstances, for example, travel outside of the West Midlands county whilst on official business. Full information is available in the documents referenced above.

- 3.12 The arrangements outlined above are to be subject to an independent review of members' allowances which will be undertaken in line with the approval of the revised committee and member terms of reference (as detailed within the report 'Governance of the Authority 2018/19').

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**

Sections 15-17 of the Local Government & Housing Act 1989 allows the appointment of non-elected members (co-opted) to the Fire Authority.

6. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report other than those in line with the Members' Allowance Scheme.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Route Map to a Mayoral WMCA Governance – a Reformed Fire Authority (April 2017)

Governance of the Authority 2018/19

The Constitution (of the WMFRA)

Members' Allowance Scheme (Part 6 of The Constitution)

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

Karen Gowreesunker
CLERK to the Authority

Appendix 1

Biographies

- Professor Simon Brake

Simon has overall strategic and managerial responsibility for the operations, governance and public accountability of the Walsall Clinical Commissioning Group (CCG), deputising for Paul Maubach as Accountable Officer, and ensuring that the CCG meets its statutory obligations to commission the best quality services and provide the best value for money for the population of Walsall.

Simon is vice chair of the West Midlands Clinical Senate, and holds honorary academic chairs at the University of Warwick's Medical School and Coventry University's Faculty of Life Sciences.

He has worked in health and social care in a variety of roles at local, regional and national levels for the past twenty years. After graduating from the University of Warwick with a degree in Politics with International Study, Simon trained as general manager in the National Health Service and has worked as an operational general manager in several acute hospitals, as a specialist health commissioner on a regional and national level, and as a civil servant at the Department of Health.

Simon has also completed an MBA (Masters in Public Administration) at Warwick Business School, an ERASMUS year at the Sciences-Po Bordeaux, France, as well as post graduate studies in conflict resolution. His most recent roles have been as Chief Executive of Coventry and Rugby GP Federation, Director of Primary Care for Coventry & Rugby NHS and Assistant Director of Adult Social Services for Coventry City Council.

Ref: [Walsall Clinical Commissioning Group](#)

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2018

1. **POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2018/2019**

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 2018/2019;
- (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 of co-opted members to Scrutiny and Governance and Transformation Committees
- (d) 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 2019 or until such time as the Reformed Authority moves to the West Midlands Combined Authority (WMCA).

2. **PURPOSE OF REPORT**

To approve the political balance and membership of committees and panels for 2018/2019 aligned to the changes approved in the Governance of the Authority 2018/19 report.

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	4
Labour	11

The attached appendix sets out a template showing the political balance on committees for 2018/19.

4. Committee Structure, Constitution and Political Balance

- 4.1 The Authority is required to decide the constitution of its 4 committees for 2018/19, as set out in the Governance report 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 2018/19 is 26. 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: recognised elected officials of the Trade Unions/Representative Bodies [without voting rights] as follows:

5 employers side and 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.

As part of the Reformed Authority new structure, it is proposed that the employers side will be reduced from 6 to 5 members.

6. Appointments, Standards and Appeals (ASA) 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 appointed Mr. Ray Tomkinson as an Independent Member. Mr. Tomkinson was appointed as an Independent Member to the Fire Authority in 2017/18 and has again agreed to continue in this role for a further year until 30 June 2019 or until such time as the Reformed Authority moves to the WMCA.
- 6.4 It is proposed that the Appointments, Standards and Appeals (ASA) Committee be amalgamated into one Committee comprising 7 Members.
- 6.5 It is proposed that the role of Standards as part of the ASA Committee in 2018/19 will comprise 8 members. It has been the practice to invite the independent person/s to attend as observer.

7. Audit and Risk 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 2019 or until such time as the Reformed Authority moves to the WMCA.
- 7.3 The Audit and Risk Committee will now comprise of 5 Members and 1 Independent Member.

8. **Scrutiny Committee**

The Scrutiny Committee will now comprise of 7 Members.

9. **Governance and Transformation Committee**

A new Governance and Transformation Committee has been introduced and will comprise 7 Members, one from each Constituent District Council.

10. **Executive Committee**

The Executive Committee has been disestablished.

11. **EQUALITY IMPACT ASSESSMENT**

- 11.1 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.

12. **LEGAL IMPLICATIONS**

- 12.1 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.

- 12.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

13. **FINANCIAL IMPLICATIONS**

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

BACKGROUND PAPERS

None

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

Karen Gowreesunker
Clerk to the Authority

Satinder Sahota Sahota
Monitoring Officer Officer

West Midlands Fire and Rescue Authority

Political Balance of Committees for 2018/2019

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

Committee

	Conservative	Labour	Total
Appointments, Standards and Appeals	2	5	7*
Audit and Risk	1	4	5*
Governance and Transformation	2	5	7**
Scrutiny	2	5	7**
Total			26

Policy Planning Forum***	4	11	15
Joint Consultative Panel	1	4	5

* + one independent member

** + plus one Cooptee

*** plus 2 cooptees and the Police and Crime Commissioner

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2018

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 2019.

2. **PURPOSE**

The purpose of the report is to request the Authority to appoint representatives to serve on other bodies during 2018/2019.

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 2018/19

Organisation	Representative/s 2018/19	Notes
Local Government Association General Assembly* (4 representatives)	Chair and Vice-Chair (Councillors and) and Councillors and (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) and Councillors and (or their nominees)	Proportionality applies. Formerly the Fire Services Forum.

Organisation	Representative/s 2018/19	Notes
West Midlands Road Safety Partnership	Councillor	
Association of Metropolitan Fire and Rescue Authorities	Chair and Vice-Chair of the Authority (Councillors and)	
Fire Control Governance Board	Chair and Vice Chair of the Authority (Councillors and) and Councillors and	
West Midlands Fire Service Business Safety Limited (Dormant)	Chief Fire Officer, the Chair of the Authority (Councillor) and Vice-Chair of the Authority (Councillor), Councillors and	Personal appointment which terminates with the appointment of a new member.
West Midlands Combined Authority	Chair	WMCA Board Observer

25 JUNE 2018

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

Report of the Clerk.

RECOMMENDED

THAT the events for 2018/19 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 2018/19.

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 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

25 JUNE 2018

Item 15

1. GOVERNANCE STATEMENT 2017/18

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

RECOMMENDED

THAT the Authority approves the Governance Statement for 2017/18.

2. PURPOSE OF REPORT

This report is submitted to Members to seek comments and consideration of the Governance Statement for 2017/18.

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 2018.
- 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 2018 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 2018 and up to the date of the approval of the annual report and statement of accounts.

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 leadership 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 2017/2018 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 2016/2017 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.
- 5.4 Based on audit work undertaken during the year an Annual Internal Audit Report was presented to the Audit Committee on 4 June 2018, Audit work which was completed in 2017/2018 included:-
- Risk Management
 - Fixed Asset Accounting
 - Fire Stations – Management of Fuel
 - Accounts Receivable
 - Partnerships
 - Accounts Payable
 - Absence Management
 - Budgetary Control
 - Payroll
 - Governance
 - Environmental Protection Targets
 - Data Protection / IT
 - Pensions Certification

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

Absence Management

A review was undertaken to provide assurance on the level of compliance with the requirements of the absence management policy. One fundamental and one significant issue was identified relating to:

- examples were found of managers uploading copies of fit notes to HMRS. The sharing of data without the specific consent of the employee is a breach of the data protection regulations and could lead to action being taken by the Information Commissioner's Office (ICO) and fines applied. The introduction of the new General Data Protection Regulations (GDPR), effective from 25 May 2018, will have a greater impact in terms of fines, as the maximum potential fine per breach will increase from £500,000 to £17million.
- during the review, one manager reported that they still received absence triggers/alerts in respect of staff for whom they no longer had operational responsibility. Again, the sharing of this data is a breach.

Fire Stations – Management of Fuel

The procedures for management of fuel are contained within Standing Order 9/1. The purpose of the review was to provide assurance on compliance with established controls relating to ordering, receipt and dispensing of fuel at a sample of stations. Issues of significance identified related to:

- fuel being ordered when the tank was below the re-order level. In addition, it is a requirement that fuel is delivered within two days. This target was not always achieved. This exposes the Authority to the risk of having insufficient fuel to provide the level of service required.
- it is a requirement of the standing order to report variances between fuel book stock and physical stock, which exceed 150 litres. Examples were found where such variances were not reported and as such, not investigated.

Partnerships

A review was undertaken to provide assurance that partnership agreements had been properly established and that effective governance and monitoring arrangements were in place to ensure that expected outcomes were achieved. Two issues of significance were identified relating to:

- the "Partnerships Governance Arrangements and Framework" document, which details the key processes to be followed in setting up a partnership, states that the Partnerships Team will undertake quality assurance checks and provide assurance that:
 - each partnership agreement has clearly defined roles and responsibilities and strong governance arrangements in place.
 - effective partnership monitoring arrangements are in operation.

These quality assurance checks had yet to commence. As such, there was a risk that the initial momentum generated by the Partnership Team could stall, resulting in a lack of consistency in approach by partnership facilitators and learning opportunities missed. Thus, undermining a key goal of the Authority of establishing effective partnership arrangements.

- it is a policy of the Authority, that as part of the governance and planning of all partnership arrangements and partnership activity, that as a minimum an Initial Equality Impact Assessment (IEIA) is undertaken. However, IEIAs were not being completed and the Authority could therefore, be in breach of the Equality Act 2010. This could expose the Authority to the risk of enforcement action being taken by the Equality and Human Rights Commission or result in a legal challenge.

5.6 The main issues outlined above, together with any other 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 2018, the Secretary of State for Ministry of Housing, Communities and Local Government confirmed the Authority's funding settlement for 2018/19. The core funding reduction of approximately £1.7m in 2018/2019 is broadly in line with the provisional four year settlement. At this stage the provisional four year settlement is considered to be a reasonable basis to formulate medium term financial planning although a further core funding reduction of £1m has been assumed in year 3 (2020/21) of the medium term financial plan, given that it extends beyond the Efficiency Plan timescales.

5.8 With the anticipation 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 identify and deliver further Service efficiencies to ensure the ongoing stability of the Authority's financial position.

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

25 JUNE 2018

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 2018 with the actuals to that date. Devolved budgets are managed by the Section responsible for incurring the expenditure as opposed to corporate budgets, which are managed by the named Section on behalf of the Brigade as a whole.

The Authority's 2018/2019 Council Tax requirement is £41.305 million and the revenue budget is £95.477 million. As part of the Authority's 2018/2019 budget setting process the current year's budget reflects an estimated transfer from general balances of £1.500 million. Actual spend to May 2018, including commitments, was £19.898 million compared to a projected budget of £19.904 million, an overall favourable variance of £0.006 million.

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

3.2 **Capital Expenditure**

The Authority's approved capital programme for 2018/2019 is £14.122 million. A scheme analysis is shown on Appendix C. Expenditure to the end of May 2018 is shown as £1.205 million.

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 2018
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

REVENUE MONITORING SUMMARY TO MAY 2018

	LATEST BUDGET 2018/2019 £'000	PROFILED BUDGET £'000	ACTUALS + COMMIT -MENTS £'000	VARIANCE TO PROFILED BUDGET £'000
DEVOLVED BUDGETS				
Corporate Management	2,620	465	464	-1
Corporate Charges	492	485	482	-3
Service Support				
People Support Services	5,950	1,132	1,140	8
Business Development	122	36	37	1
Intelligence and Innovation	1,480	358	379	21
Finance & Resources	5,113	826	823	-3
ICT	4,489	1,918	1,934	16
Service Delivery				
Operations	50,583	8,040	8,001	-39
CORPORATE BUDGETS				
Service Support				
People Support Services	2,686	469	491	22
Business Development	-1,000	-83	-50	33
Intelligence and Innovation	15	167	179	12
Finance and Resources	16,055	5,103	5,091	-12
ICT	133	22	0	-22
Service Delivery				
Response	5,170	868	836	-32
Prevention	-2	0	0	-
Protection	-47	0	-11	-11
Other Income & Expenditure	1,618	98	102	4
Appropriation to Reserves	0	0	0	0
TOTAL (NET BUDGET REQUIREMENT)	95,477	19,904	19,898	-6
Core Funding	- 54,172	-13,479	-13,479	-
TOTAL (COUNCIL TAX REQUIREMENT)	41,305	6,425	6,419	-6

FIREFIGHTERS' PENSION SCHEMES

NON-FINANCIAL INFORMATION	2018/19 PROJECTION				ACTUAL POSITION AS AT MAY 2018			
	1992 FPS	2006 FPS	2015 FPS	TOTAL	1992 FPS	2006 FPS	2015 FPS	TOTAL
Members of FPS at 1st April 2018	303	11	977	1,291	303	11	977	1,291
New Members	-	-	53	53	-	-	-	-
Opt-In	-	-	-	-	-	-	-	-
Transitional Members during year	-28	-1	29	-	-2	-	2	-
Transfers from Other Pension Schemes	-	-	-	-	-	-	-	-
Transfers to Other Pension Schemes	-	-	-	-	-	-	-	-
Retirements	-38	-2	-	-40	-11	-	-	-11
Opt-Out	-	-	-10	-10	-	-	-3	-3
Leavers	-	-	-12	-12	-	-	-	-
Ill-Health Retirements	-2	-	-1	-3	-	-	-	-
Members of the Fire Pension Schemes as at 31st May 2018					290	11	976	1,277

CAPITAL MONITORING STATEMENT 2018/19

Scheme	Year 2018/19	Latest Budget £'000	Actuals May 2018 £'000	Forecast £'000	Variance £'000
<u>LAND & BUILDINGS</u>					
Boiler Replacement Programme	Ongoing	206	4	206	-
Roof Replacements	Ongoing	310	0	310	-
Windows/Door Replacement	Ongoing	514	81	514	-
Rewires	Ongoing	130	0	130	-
Coventry Fire Station	4 of 5	4,112	984	4,112	-
HQ Alterations	2 of 2	609	2	609	-
Aston Fire Station	4 of 5	4,488	2	4,488	-
<u>VEHICLES</u>					
Vehicle Replacement Programme	Ongoing	3,705	132	3,705	-
<u>ICT & EQUIPMENT</u>					
MDT Upgrade/Replacements	4 of 4	23	0	23	-
Oracle Licensing	9 of 9	25	0	25	-
Grand Total		14,122	1,205	14,122	-
<u>Funded By</u>					
Prudential Borrowing		0		0	-
Capital Grants / Contributions		523		523	-
Capital Receipts to be Applied		0		0	-
Revenue Financing / Earmarked Reserves		13,599		13,599	-
TOTAL		14,122		14,122	-
SURPLUS(-)/DEFICIT(+)					

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2018

1. ANNUAL REPORT OF THE SCRUTINY COMMITTEE 2017/18

Report of the Chair of the Scrutiny Committee.

RECOMMENDED

That the Authority receives the Scrutiny Committee's Annual Report 2017/18.

2. PURPOSE OF REPORT

This report is submitted to bring to the attention of the Authority the Annual Report of the Scrutiny Committee 2017/18.

3. BACKGROUND

3.1 The Scrutiny Committee was established at the Annual General Meeting of the Authority in June 2012. The Committee was to undertake performance management functions and would also scrutinise human resource 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
- hold the Authority to account
- conduct reviews into specific issues

3.2 The Annual Report for 2017/18 is attached as an Appendix for consideration by the Authority. The report was approved by the Scrutiny Committee on the 4 June 2018.

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**

Advice may be provided internally by Officers at no direct cost to the Authority, supporting the Committee in its work. The Scrutiny Committee can, if required, access resources to be able to engage external professional advice where applicable.

BACKGROUND PAPERS

Authority and Scrutiny Committee Reports
Minutes of the Scrutiny Committee

Councillor Chris Tranter
Chair of the Scrutiny Committee

WEST MIDLANDS FIRE SERVICE

**Annual Report of the Scrutiny
Committee
2017/18**

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
- hold the Authority 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 2017/18, the Committee met on the following dates:

• 04 September 2017
• 09 October 2017
• 13 November 2017
• 26 February 2018
• 26 March 2018
• 04 June 2018

3. Members & Attendance Record

	04/09/17	09/10/17	13/11/17	26/02/18	26/03/18	04/06/18
Councillor Barrie	√	√	√	√	√	X
Councillor Brackenridge	√	√	√	√	√	X
Councillor Hogarth	√	√	X	√	√	√
Councillor Male	√	X	√	√	√	√
Councillor Miks	√	√	√	√	√	√
Councillor Spence	√	√	√	√	√	√
Councillor Tranter	√	X	√	√	√	√
Councillor Young	√	X	√	√	X	X

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
- Operational Assessment Improvement Register
- Work programme selection
- Working Group Review of Positive Action and Firefighter Recruitment
- Progress updates on the outcomes of the Review of Data Sharing and the Safeside Update regarding Transport Funding

5. The Committee's main achievements

The Committee believes its key achievements during the year included:

- The Committee undertook to review and evaluate the Service's approach to positive action and firefighter recruitment in 2016/17 (original proposal and scoping document submitted to the Committee at the February 2017 meeting). The Scrutiny Review of Positive Action and Firefighter Recruitment includes the examination of the associated protocols and procedures, analysing their effectiveness, and identifying and removing barriers where present. The review remains in progress with regular updates being submitted to the Committee. It is anticipated that, subject to the approval of the Committee, the review will be completed during municipal year 2018/2019 with recommendations put forward to the Fire Authority for consideration.
- Updates were provided on the outcomes of the Data Sharing Review and the outcomes of the review of the transport funding issues at Safeside, allowing the Committee to monitor progress.
- Following the publication of the Service's Operational Assessment and Fire Peer Challenge in June 2017, the Committee has monitored the progress of the work undertaken by the Service in addressing the areas for consideration raised by the Fire Peer Challenge Team via the monitoring of the Operational Assessment Improvement Register.
- 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

25 JUNE 2018

1. **ANNUAL REPORT OF THE AUDIT COMMITTEE 2017/18**

Report of the Chair of the Audit Committee.

RECOMMENDED

That the Authority receives the Audit Committee's Annual Report 2017/18.

2. **PURPOSE OF REPORT**

This report is submitted to bring to the attention of the Authority the Annual Report of the Audit Committee for 2017/18.

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 2017/18 is attached as an Appendix for consideration by the Authority. The report was approved by the Audit Committee on 4 June 2018.

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 2017/18.

Chair of the Audit Committee

Annual Report of the Audit Committee 2017/18

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 2017/18 the Committee met on the following dates:

- 12 June 2017
- 24 July 2017
- 4 September 2017
- 13 November 2017
- 19 December 2017
- 15 January 2018
- 26 March 2018
- 6 June 2018

3. Committee members and attendance record

	12/06/17	24/07/17	4/09/17	13/11/17	19/12/17	15/01/18	26/03/18	4/06/18
Councillor T Singh	√	√	√	√	√	√	√	X
Councillor N Barlow*	X	X	X	X	X	X	X	√
Councillor F Williams	NA	√	√	√	X	√	√	X
Councillor A Cartwright*	√	X	X	X	X	√	X	X
Councillor A Aston	X	√	√	X	√	X	√	√
Councillor M Idrees	√	√	√	√	√	√	√	X
Councillor P Singh	X	√	√	√	√	√	√	X
Councillor R Sealey	√	X	√	√	√	√	√	X
Councillor G Brackenridge*	X	X	X	X	X	X	X	√
Mr M Ager	X	√	√	√	√	√	√	√

* Substitute

4. The Committee's business

During the year the Committee conducted the following business:

<p>Governance Statement – 2016/17</p> <p>Corporate Risk – Regular Updates</p> <p>Audit Committee Annual Report – 2016/17</p> <p>Audit Committee – Terms of Reference Review</p> <p>Audit Committee – Self Assessment</p> <p>Audit Committee Work Programme</p> <p>Statement of Accounts 2016/17</p>	<p>CIPFA Audit Committee Update</p> <p>Updates on Topical, Legal and Regulatory Issues</p> <p>Treasury Management Annual Report – 2016/17 (and Mid-Year Review)</p> <p>Monitoring Policies on Raising Concerns at Work – Whistleblowing Policy</p>
<p>External Audit Plan 2017/18</p> <p>External Audit Findings Report</p> <p>External Audit – Annual Audit Letter 2016/17</p> <p>External Audit – Audit Committee Update</p>	<p>Internal Audit Annual Report - 2016/17</p> <p>Internal Audit Progress Reports</p> <p>Internal Audit Charter – Annual Review</p> <p>Internal Audit Plan – 2017/18</p>

The Pension Regulator – Scheme Return

Pension Board Amended Terms of Reference

Pension Board Annual Report 2016/17

Notes of the Pension Board

Decision on Qualifying Injury

Update on Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services

5. Conclusion

The Committee was able to confirm:

- That the system of internal control, governance and risk management in the Fire Authority was adequate in identifying risks and allowing the Fire 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 2017/18:

*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 2018 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 Fire 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.
- Reviewing the Committee's Terms of Reference and the Internal Audit Charter 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.
- A key role in overseeing the work of the Pensions Board

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.

Minutes of the Executive Committee

26 March 2018 at 1000 hours

Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor John Edwards (Chair)
Councillors Aston, Davis, Mottram, Sealey, P Singh

Apologies: Councillors Allcock, Cartwright, Idrees, Atwal Singh

1/18 **Declarations of Interest**

There were no Declarations of Interest.

2/18 **Minutes of the Executive Committee held on 19 December 2017**

Resolved that the minutes of the meeting held on 19 December 2018, be approved as a correct record.

3/18 **Corporate Performance Indicators 2018-19**

Councillor Tranter, Chair of the Scrutiny Committee, and Gary Taylor, Assistance Chief Fire Officer, provided an overview of the Corporate Performance Indicators 2018-19.

In accordance with its planning framework, the Service had reviewed its rolling three-year corporate strategy, 'The Plan', for 2018-2021. The revised outcomes had been approved by the Authority at the full Fire Authority meeting held on 19 February 2018 and the outcomes were set out in The Plan and were enablers to achieving the Service's

vision of ‘Making the West Midlands Safer, Stronger and Healthier’.

Following approval of the outcomes set out in The Plan, the Assistant Chief Fire Officer, as the lead officer for scrutiny matters, had worked with stakeholders to:

- Consider past performance
- Review the internal strategies and approaches and external influencers that would shape the 2018/19 performance and drive the target setting
- Identify the appropriate performance indicators (PIs) for 2018/19

In accordance with the Service’s commitment to enabling governance through effective engagement and transparency and in line with The Constitution, officers met with the Chair of the Scrutiny Committee on 26 February 2018. At this meeting the Chair of the Scrutiny Committee recommended that the proposed corporate PIs and targets for 2018/19 be submitted to the Executive Committee for approval.

Graduated tolerances had been reviewed after being introduced in 2017/18. These assisted the interpretation of PIs particularly where figures were small at the beginning of the year, avoiding potentially misleading performance ratings, for example a PI marked as red where the figures are only marginally above target.

The use of three year averages continued to prove to be effective, allowing easy identification of trends. Challenging yet realistic targets had been set using data analysis and professional judgement. All targets for 2018/19 were at or below the three year average with the exception of PI 10 The number of deliberate vehicle fires, which had been steadily rising since 2012/13 despite all of the interventions and activities that the Service had delivered over that period.

There had been a change of terminology to the PIs related to arson, with the term ‘arson’ changed to ‘deliberate’. Deliberate fires include those where the motive for the fire

was 'thought to be' or 'suspected to be' deliberate. This included fires to an individual's own property, others property or property of an unknown owner. Despite deliberate fire records including arson, deliberate fires were not the same as arson. Arson was defined under the Criminal Damage Act of 1971 as 'an act of attempting to destroy or damage property, and/or in doing so, to endanger life'. This change in terminology would align the Service to other metropolitan Fire and Rescue Services, to the Police and other agencies.

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

- With regard to PI 16 The number of female uniformed staff, and PI 17a The percentage of uniformed staff from Black, Minority Ethnic communities; realistic but ambitious targets had been set to increase representation of the workforce over the next few years, supported by the positive action strategy and supporting strategies. The positive action approach was proving to be effective and the Service was confident that it could support change in the diversity of the workforce.
- The Home Office had looked at the taster days held by the Service which were designed to encourage and support applications from people from under-represented groups, with the possibility of including the approach as notable practice.
- The Members acknowledged the work of People Support Services in developing the recruitment strategy to make the workforce of the Service more representative of the West Midlands.
- PI 22 The total number of RIDDOR injuries; the figures were broken down further by the Service for internal use but were presented to the Authority in this manner to enable higher level reporting.
- PI 24 To reduce gas use of Fire Authority premises, and PI 25 To reduce electricity use of Fire Authority premises; the two PIs reported units of usage per quarter. There was the potential to break the figures down to fire station level which could then contribute to the estates strategy and examine local usage levels

and to see where improvements could be made. The continued reduction in the use gas and electricity was positive.

- Road safety and the work that went on behind this remained an area that Fire and Rescue Services funded uniquely. Road casualty reduction was one of the areas that had suffered as part of the comprehensive spending review. It was noted that support from Section 41 Members for Local Authorities to continue to champion road safety would be well received.

Resolved that the Corporate Performance Indicators and targets for 2018/19 be approved.

The meeting finished at 1025 hours.

Stephen Timmington Strategic Hub 0121 380 6680 stephen.timmington@wmfs.net
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**26 March 2018 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,
Booth, Brackenridge, Clinton, Craddock, Davis,
Douglas-Maul, Eustace, Hogarth, Male, Miks, Mottram,
Sealey, P Singh, T Singh, Spence, Tranter, Walsh, and
Williams
Mr Ager

Officers: West Midlands Fire Service
Chief Fire Officer (P Loach)
Deputy Chief Fire Officer (P Hales)
Assistant Chief Fire Officer (G Taylor)
B Brook, J Campbell, J Connor, M Hamilton-Russell, P
Fellows, M Pym, P Shergill, N Spencer, S Timmington,
M Ward-White, S Warnes

Clerk and Monitoring Officer

K Gowreesunker (Clerk)
S Sahota (Monitoring Officer)
M Griffiths (Treasurer)

Apologies: Councillors Cartwright and Young

Observers: Nil

5/18 Chair and CFO Announcements

Cllr John Edwards, Chair of WMFRA, welcomed all attendees to the Policy Planning Forum.

All Members and officers present congratulated Cllr Clinton on her becoming the next Lord Mayor of Birmingham.

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Cllr John Edwards wished all Members well who were standing for election.

Phil Loach, Chief Fire Officer, advised Members that the new recruitment drive was proving positive, with the percentage of females and people from Black, Minority and Ethnic backgrounds being at a level which was becoming increasingly representative of the population of the West Midlands, for example, the number of females equated to 40% over the last three recruitment processes.

6/18 Mayoral West Midlands Combined Authority Progress and Public Consultation Outcomes

Mark Hamilton-Russell, Strategic Enabler Corporate Communications, delivered a presentation on the progress of the Mayoral West Midlands Combined Authority (WMCA) and the public consultation outcomes:

In early 2017, members commissioned and were part of the Future Governance Working Group which was formed with a view to provide options on future governance models and enable an evidence based decision to be made, alongside the results of the public consultation on the integrated risk management plan. The Mayoral WMCA model was put forward as the recommended option. The option was put forward to the WMCA in March 2017 and in September 2017 the WMCA agreed that a governance review be undertaken and a Scheme prepared.

The WMCA carried out a public consultation on the governance proposals from 11 January to 8 March 2018. It was based on the Scheme and consisted of five key areas:

- Proposed governance
- Role of the Mayoral Fire Advisory Committee
- The Chief Fire Officer to be accountable to the Mayor
- Lead to a more joined up and focused service
- Meets the Secretary of State's key tests

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The first three areas were regarding the proposed changes. The latter two areas were statutory requirements in line with government guidelines.

The public consultation was led by the WMCA and supported by the seven Local Authorities. As part of the consultation, an animation was created to describe the issues that the consultation was concerned with, including one in an audio format to assist people with visual impairments. The public consultation was promoted using social media and press releases. Each of the questions were in the same format with tick box answers (strongly agree/agree, neither agree or disagree, disagree/strongly disagree, don't know), plus a free text box to allow further information to be added.

1161 responses were received in total. Answers were broken down as per the table below:

	Strongly Agree/Agree		Neither Agree or Disagree		Strongly Disagree/Disagree		Don't Know	
Consultation Questions	Responses	%	Responses	%	Responses	%	Responses	%
1. Proposed Governance Arrangements	529	47	102	9	468	42	30	3
2. Role of Fire Advisory Committee	667	59	73	6	369	33	17	2
3. Chief Fire Officer to be accountable to the Mayor	604	54	96	9	397	36	22	2
4. Lead to a more joined up and focused service	477	42	141	13	473	42	36	3
5. Meets the Secretary of State's Key Tests	440	39	171	15	467	42	50	4

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A more detailed analysis of the questions was presented which showed the outcomes aligned to the consultation questions, (questions 1-3) supported the proposals contained in the scheme, and that the statutory tests questions (5 - 6) demonstrated a potential lack of understanding in how the proposals would support local improvement.

The next stage would be for the outcomes of the public consultation to be considered by the constituent councils (during March / April).

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

- The public consultation exercise cost approximately £16000, a cost borne by the WMCA.
- It was a statutory requirement for the public consultation to be held.
- Analysis of respondents indicated 53% were from public sector, 47% non-public sector?
- Letters received from interested parties indicating support for or against the proposals would be included within the report which would be submitted to the Secretary of State, and made public in the process.
- The report to the Secretary of State would be submitted to the Authority in April for Members to note.

7/18 Delivering against The Plan 2017/20

Gary Taylor, Assistant Chief Fire Officer, delivered a presentation on the strategic priorities:

- Response

Response had not just been maintained but had been improved over recent years by streamlining and evolving the Service Delivery Model (SDM). Getting to incidents as soon as possible was the cornerstone of everything the Service did.

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Underpinned by independent academic research, it was known that it took on average 19 minutes 22 seconds from a fire beginning, developing and then being discovered, through to the arrival of the fire service. There was a five minute section in the cycle which represented the mobilisation and travel time of the fire service. The Seconds Do Count approach adopted by the Service enabled marginal gains to be made in reducing this time.

When PI 1 The Risk Based Attendance Standard was reintroduced, the average response time to category one incidents was 5 minutes 2 seconds. It had now been reduced to 4 minutes 44 seconds. It was a small change that would save lives and property, as well as making it safer for firefighters by arriving at an incident earlier.

Response times were broken down further into call handling, reaction times and travel time to enable rigorous monitoring. The breakdown of the response times was made publicly available allowing transparency and openness.

The delivery of falls response had not had any impact upon response times, which had continued to reduce during the same period.

Call handling targets were originally set at 90% of calls handled within 90 seconds. This had been re-examined and the target had been reduced to 80 seconds with the introduction a sub performance indicator (PI1a). Performance was currently 77 seconds.

The Service was exploring other ways to achieve improvements such as the use of technology to assist Fire Control. The Service was working with private and public sector partners including the Automobile Association (the AA) to identify potential solutions. The Service was intending to implement a pre-alert system for use by Fire Control which it was hoped would save up to 30 seconds in terms of mobilisation times.

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The Service had developed a new staffing model which was a key part of the Efficiency Plan. The Service operated at an optimum crewing level ensuring that the staff numbers were fully utilised. As a result, the ridership factor had reduced from 15.1 to 12.9. There remained further efficiencies to be made although the ridership factor was affected by factors such as training and leave.

Integrated resilience continued to support fleet availability and competences. Fleet availability had remained consistently above 99%.

A disturbance allowance continued to be paid to staff when undertaking a voluntary additional shift. However, this payment was unfunded and negotiations with the representative bodies to reach a local agreement continued.

- Prevention

A working group of the Scrutiny Committee had reviewed the Service's approach to partnerships. This had resulted in work carried out to tighten up on the Service's approach and procedures with a key outcome that all partnerships were to be aligned to the Service's strategy. A subsequent internal audit undertaken by Sandwell Metropolitan Borough Council had resulted in positive feedback.

The Chief Fire Officer had been offered a position on the West Midlands Combined Authority (WMCA) Wellbeing Board which had been delegated to the Assistant Chief Fire Officer. The position provided a good opportunity for the Service to influence and support, particularly as the devolution of health would be held by the board.

All commissioned activities were aligned to The Plan. The most vulnerable people often have underlying health issues, which is why helping vulnerable people was a core part of The Plan. Commissioned activities such as falls response also represented the positive spend of the public pound and were a key component of the Efficiency Plan.

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Falls response had provided an opportunity for non-uniformed staff to upskill and not just support the work but to undertake it. This had allowed flexibility and the Service continued to engage with the representative bodies.

- Protection

Dame Judith Hackitt's interim report of Building Regulations and Fire Safety had been published and contained a number of key recommendations. These included the need to ensure the competency of fire safety professionals, that people undertaking Regulatory Reform Order work require a certain level of knowledge, and that people undertaking fire risk assessments may require a qualification to do this. Additionally, it is recommended that fire risk assessments must be completed on an annual basis or when changes occur, and that the local Fire and Rescue Service must be informed. It was noted that the Service was unsure what level of demand this would create but that it would be monitored. In terms of qualifications and fire safety professionals having sufficient levels of knowledge to undertake RRO work, all Fire Safety officers within the Service are skilled to and sit a level 4 national diploma. The integration of prevention, protection and response work had also resulted in firefighters' upskilled in terms of fire safety knowledge and awareness.

The local response since the Grenfell Tower incident had resulted in 27 buildings being identified as at risk, with four failing the Midlands Building Research Establishment tests and managed quickly.

Fire and Rescue Services were responsible for gathering risk information, known as Site Specific Risk Information (SSRI) visits. To date, 551 high rise SSRIs had been conducted. High rise inspections, carried out under the Regulatory Reform Order (RRO), provided more focus on the fire safety element and were conducted by local authorities with the support of Fire and Rescue Services (to date 389 of 551 high risk inspections had been completed). The two approaches satisfied fire safety and firefighter safety, and provided assurance to the public.

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The 'stronger' element in the Service's vision of 'Making the West Midlands Safer, Stronger and Healthier' reflected the protection work with businesses. The Service supported business communities by working to achieve a 6.3% reduction in accidental non-domestic fires, and an 8% reduction in unwanted fire signals. Additionally, when an incident did occur, the Service was in a position to provide a weight to the response, reducing the extent of damage and disruption caused to a business, via a swift response, assertive firefighting, and salvage procedures.

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

- Although the number of automatic fire alarms continued to decrease via processes such as call challenge, the number of such incidents continued to be significant. The introduction of the Business Support Vehicles staffed by qualified Fire Safety Officers had resulted in a positive impact upon the number of repeat incidents at premises.
- High rise SSRIs and inspections were important for both the public and firefighters, for example, a fire door would allow a member of the public to exit a building rapidly but could also be used when tackling a fire in a high rise building.

8/18 The Plan 2018/21

Mark Hamilton-Russell, Strategic Enabler Corporate Communications, delivered a presentation on The Plan 2018/21:

The Plan 2018/21 would be published in April. The Plan had previously been published in paper format and then a more web based format with videos. A mixed approach had been taken this year combining video, text and graphics.

The Plan was demonstrated to Members, highlighting that:

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- The Plan was a key part of the WMFS website and easy to find
- A downloadable version would be available including a version in audio format
- The web based version allowed the ability to change The Plan to reflect changes to the rolling three year strategy

The following points were raised in answer to Members' questions:

- The launch of The Plan was incorporated within the Communication Strategy, with The Plan communicated in different ways to different groups, for example using social media to target specific groups (consumer insight).

9/18 Update on negotiations

Phil Loach, Chief Fire Officer, provided an update to Members on the negotiations between the Service and the representative bodies.

As a result of the update and in answer to members' questions, the following points were raised:

- The Service continued to remain in negotiations with the Fire Brigades' Union (FBU) regarding a wider local agreement but not one involving falls response.
- The Service continued to be in negotiations with Unison and the Fire Officers' Association on arrangements.
- There was no proposal for the Service to impose anything on staff. Proposals were voluntary as are the arrangements for Voluntary Additional Shifts. There would not be any compulsory requirement for existing members of staff to undertake new arrangements.
- The Service was confident that there would be sufficient numbers of volunteers to undertake the new arrangements based on current demand levels.

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- Bespoke training was provided to all members of staff who would undertake falls response work. It was compulsory for volunteers to undertake the training.
- A Falls Improvement Group had been set up which reviewed the service and identified areas for improvement.
- No additional pay had been awarded when falls response had formed part of the national trials because the service utilised existing skills. A pay award had been offered as part of the latest offer.
- Collective bargaining meant the Service had to reach agreement with the representative bodies and then go to the workforce. It was important to maintain the balance and communications continued.

The meeting closed at 12:07 hours.

<p>Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>

Minutes of the Audit Committee

26 March 2018
at Fire Service Headquarters, Vauxhall Road, Birmingham B7 4HW

Present: Councillors T Singh (Chair), Williams, Aston, Idrees, Sealey, P Singh, Mottram and Mr Ager (Independent)

Apology: None

9/18 **Declarations of Interest in contracts or other matters**

There were no declarations of interest.

10/18 **Minutes of the Audit Committee held on 15 January 2018**

Resolved that the minutes of the meeting held on the 15 January 2018 be approved as a correct record.

11/18 **WMFS Audit Committee Terms of Reference**

The terms of reference for the Audit Committee reflected the Chartered Institute of Public Finance and Accountancy (CIPFA) position statement "Audit Committees in Local Authorities". This statement emphasised the importance of audit committees being in place in all principal local authorities and recognised that audit committees were a key component of good governance.

The Terms of Reference were last reviewed in March 2017 and were subject to their annual review to ensure that they remained relevant and fit for purpose.

It was noted that there had been no changes since the last review.

Resolved that the Audit Committee Terms of Reference be approved.

12/18 **WMFS Internal Audit Plan 26 March 2018**

The report presented detailed the proposed Internal Audit Plan for 2018/19, with an indicative plan covering the period 2019/20 to 2020/21.

The Internal Audit Plan was a fluid plan which could be updated periodically to reflect changes in the risks faced by the Authority.

During the period covered by the plan, the priority and frequency of audit work could be subject to amendment to recognise alterations in the assessment of assurance need/risk analysis, caused by changes within the Authority and the requirements of the Audit Committee and senior managers.

During the year regular meetings were to be held with senior managers and the external auditors to review the plan and discuss the scope, nature and timescales of planned reviews. Any key changes to the plan would then be brought before the Audit Committee for approval.

It was queried whether there were any methods in place for people to raise issues. It was confirmed that the Authority had a Whistle Blowing Policy which was reviewed on an annual basis.

Resolved that the Internal Audit Plan 2018/19 be approved.

13/18 **Audit Plan 2017-18**

The Audit Plan 2017/18 had set out the audit work that Grant Thornton proposed to undertake and the key deadlines and milestones associated with the delivery of this work. The plan had been developed using a risk-based approach and considers the risks relevant to both the audit of accounting statements and the value for money conclusion.

The Code required Grant Thornton to consider whether the Authority had put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources. This was known as the Value for Money (VFM) conclusion.

The National Audit Office (NAO) had issued its guidance for auditors on value for money work for 2017/18 in November 2017. The guidance stated that for local government bodies' auditors are required to give a conclusion on whether the Authority had proper arrangements in place.

The guidance identified 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 2017/18 the Authority was required to prepare the accounting statements by 30 June 2018 and to submit the audited 2017/18 accounts to the Audit Committee for approval by no later than 31 July 2018. The plan had set out the key phases and activities for the delivery of the audit work. All reports arising from this audit work were to be discussed and agreed with appropriate officers prior to submission to Members.

Resolved that the Audit Plan 2017/18 be approved.

14/18 **Corporate Risk Update**

The report included the Corporate Risk Assurance Map Summary and the Position Statement for Quarter 3. This was the combined six-monthly report as agreed by Members at the Audit Committee Meeting held on the 25 July 2016.

In accordance with the Services risk management strategy, the Corporate Risk Assurance Map Summary was submitted for approval by the Audit Committee, following its submission and discussion at the Corporate Performance Review Meeting.

Corporate risks were those risks which if they occurred would seriously affect the Authority's ability to carry out its core function or deliver its strategic objectives as set out in The Plan. At the time, the Service maintained 9 corporate risks, some of which had more than one element.

Each corporate risk was assigned to a Risk Owner, who was a member of the Strategic Enabling Team. The Risk Owner had the overall responsibility for monitoring and reviewing the progress being made in managing the risk.

To enable for effective risk management, the Risk Owner would have periodically undertaken an assessment of each corporate risk. The frequency of this review would be based upon the estimated risk rating undertaken based on likelihood of impact. The likelihood was a measure of probability of a given risk occurring using a scale of 1 (low) to 4 (high). The impact was a measure of the severity or loss should the risk occur again, using a scale of 1 (low) to 4 (high).

To ensure that Members are kept informed of corporate risk matters a Corporate Risk Assurance Map Summary for Quarter 3 2017/18 (Appendix 1) and the Position Statement for Quarter 3 2017/18 (Appendix 2) were included.

In undertaking a review of corporate risks, the Risk Owner had reviewed the Corporate Risk Assurance Map. The Assurance Map provided details of:

- The strategic objectives and performance indicators relevant to the risk.
- The risk scores.
- A description of events that could lead the corporate risk being realised.
- The control measures in place designed to reduce the likelihood of risk realisation or its impact should the risk be realised.

- Additional control measures currently implemented to further reduce the likelihood or impact.
- Control owners who are responsible for the implementation, maintenance and review of individual control measures.

As part of the review each Risk Owner had considered the risk score and rating and updated the Assurance Map. The Risk Owner had provided assurance that the control measures identified were still effective in the management of risk and identified whether any new risk events or controls could have been implemented or were required.

Where ongoing additional controls were being implemented, Risk Owners would have confirmed the progress in implementing such controls.

It was noted that during the previous six months (Quarter 2 2017/18 and Quarter 3 2017/18) there had been no increase or decrease in any of the risk scores.

Resolved that the Corporate Risk Update be approved. The Corporate Risk Assurance Map Summary (Quarter 3 2017/18) was approved and the Position Statement (Quarter 3 2017/18) was noted.

15/18 **Communications with the Audit Committee for WMFRA**

To ensure that Audit Committee members continue to remain informed upon audit matters, the external auditor had submitted the report 'Communications with the Audit Committee for WMFRA'. It was the intention of the external auditor to provide an update at all Audit Committee meetings.

The communication provided the Audit Committee with a report on Grant Thornton's progress in delivering their responsibilities and included;

- Matters in relation to fraud;
- Matters in relation to law and regulations;
- Matters in Relation to going concern;
- Matters in relation to related parties; and
- Matters in relation to accounting estimate.

16/18 **Internal Audit Progress Report**

The Committee noted the Internal Audit Progress Report which contained details of the matters arising from internal audit work undertaken so far in the current year. The purpose of the report was to bring the Committee up to date with the progress made against the delivery of the 2017/18 Internal Audit Plan. The information included in

the progress report would then feed into, and inform, the overall opinion in the Internal Audit Annual Report issued at the year end.

It summarised the audit work undertaken in a tabular format, and included:

- The areas subject to review (Auditable Area).
- The level of risk to the Authority assigned to each auditable area (high, medium or low).
- The number and type of recommendations made because of each audit review.
- The number of recommendations accepted by management.
- The level of assurance given to each system under review.
- Details of any key issues arising from the above.

17/18 West Midlands Fire Audit Committee Progress Report – March 2018

To ensure that Audit Committee Members continued to remain informed on audit matters, the external auditor had provided an Audit Committee Update report. It was the intention of the external auditor to provide an update at all Audit Committee meetings.

The update provided the Audit Committee with a report on Grant Thornton's progress in delivering their responsibilities as the Authority's external auditors and was noted by the Committee.

18/18 CIPFA Audit Committee Update

CIPFA had continued to develop a series of briefing papers to support public sector audit committee members and to provide a practical resource for those who support audit committees. The update was published approximately three times a year. Each one included a main feature, together with pointers to new developments or guidance that audit committee members may need to be aware of. The focus for this edition was on the Audit Committees Role in Risk Management and a Briefing on Current Issues. The Update was noted by the Committee.

19/18 Audit Committee Work Programme 2017/18

The Committee noted the Work Programme for the remainder of 2018.

20/18 Update on Topical, Legal and Regulatory Issues (Verbal Report)

It was noted that Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) was expected to be providing their feedback to the fire sector sometime in April or May, with West Midlands Fire Service due to be inspected sometime toward the end of 2018.

The meeting finished at 1304 hours.

Roger Ryman
Administration
0121 380 6229
roger.ryman@wmfs.net

26 March 2018 at 10:30 p.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Tranter (Chair),
Councillors Barrie, Brackenridge, Hogarth, Male, Miks,
Spence

Apologies:

Councillor Young

Observer:

Nil

05/18 **Declarations of Interests**

There were no declarations of interest.

06/18 **Minutes of the Scrutiny Committee held on 26 February 2018**

Resolved that the minutes of the meeting held on 26 February 2018, be approved as a correct record.

07/18 **Update on Data Sharing**

Martina Doolan, Data Manager, Data Management provided an overview of the report:

The report provided an update to Members on the progress made in addressing the recommendations arising from the Data Sharing Review (detailed within the Action Plan – Appendix 1).

The Action Plan had been completed with the exception of one outstanding piece of work. This was the audit which was to be

conducted six months after the implementation of the Management of Information Standing Order.

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

- The European Union General Data Protection Regulation (EU GDPR) was being absorbed into common law / legislation and there would be a need to abide to the regulations following Brexit.
- In addressing the main actions identified, it had been agreed that a further audit would be conducted to establish if the Management of Information Standing Order was being adhered to. The audit was due to be conducted six months after the implementation of the standing order. However, with the proposed implementation of the EU GDPR, it was considered that to conduct a review currently would be counterproductive as a full review of policies, procedures, advice and guidance would take place during the preparation period prior to the launch of the EU GDPR in May 2018. As a result, monitoring had been put in place in the meantime.
- It was agreed that the Data Sharing Review was to be approved with the caveat that an update be provided to the Committee regarding the outstanding piece of work in the Action Plan.

The Committee noted the direction of travel in implementing the recommendations made following the review of data sharing.

Resolved that the closedown of the Data Sharing Review, but with one outstanding ongoing piece of work be approved.

Resolved that an update on the outstanding piece of work in the Data Sharing Review (the audit of the Management of Information Standing Order) be reported to the Committee at a future meeting (provisionally September 2018).

08/18 **Dispute Resolution Report**

Helen Sherlock, Senior Business Partner, People Support Services, provided an overview of the report:

The report covered the period 1 July 2017 to 31 December 2017. Six grievances had been received, all of which had been appealed and none upheld.

Three grievances were lodged due to the removal of Continued Professional Development (CPD) payment. This was because under the national agreement there was no appeal process regarding the CDP process. Therefore, the grievance procedure was instigated to appeal issues regarding CDP.

There had been eight disciplinary cases during the period. The details of the eight cases were detailed within the report.

The Committee noted the contents of the dispute resolution report for the period 1 July 2017 to 31 December 2017.

Resolved that the contents of the dispute resolution report are submitted to the Joint Consultative Panel.

09/18 **Operational Assessment Improvement Register**

Karen Gowreesunker, Clerk to the Authority and Strategic Enabler of Strategic Hub, provided an overview of the report:

The report represented the second update to the Committee of progress against the areas for consideration (the first update having been submitted to the Committee at the October 2017 meeting).

Of the 36 areas for consideration within the Improvement Register:

- 18 areas for consideration required no further action prior to the October 2017 meeting of the Scrutiny Committee and were classed as complete for the purposes of the Improvement Register.

- Five areas for consideration had been addressed since the October Scrutiny Committee and had been classed as completed, requiring no further action for the purposes of the Improvement Register.
- Work was ongoing against 15 areas for consideration. Progress made in these areas was as expected and on target.
- No areas for consideration had been classed as off target.

The Committee noted the progress made in addressing the areas for consideration detailed within the Operational Assessment Improvement Register.

10/18 **Safeside – Update on Transport Funding**

Gary Taylor, Assistant Chief Fire Officer, provided an overview of the report:

The report provided an update for Members on progress of actions regarding transport funding for schools following the update provided previously to the Committee in February 2017.

The update in February 2017 had reported that schools outside of Birmingham were struggling to cover transport costs to and from Safeside. As a result, the Service had provided funding support for schools. This had been achieved by utilising approximately £30k from an underspend in the prevention budget, resulting in 41 schools visiting Safeside. However, the approach taken was not necessarily sustainable over the long term.

To address this, Safeside had linked in with social value, and restructured its budgets as the number of schools visiting the facility increased, which had led to Safeside being close to self-funding. As a result, the £30k support had decreased to approximately £21k which was kept as a pump priming mechanism.

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

- The Service had held a procurement exercise to identify a transport provider.
- Further communications regarding the Safeside facility within the Coventry area could be of benefit. Local support from Members would be appreciated.

- Safeside targeted schools via a work programme based on deprivation, and did present a number of challenges.
- Primary schools were targeted by Safeside unless there were specific needs raised regarding a school.

Members noted the update on the progress of actions relating to the Safeside update and transport funding.

11/18 **Scrutiny Committee Work Programme 2017/18 – March 2018**

Progress against the work programme was noted by the Committee.

Gary Taylor, Assistant Chief Fire Officer, suggested that consideration should be given to forthcoming scrutiny reviews, in particular reviews of policies before they were implemented.

Work on the transitional change to the Reformed Fire Authority was progressing and a review of the committee structures would be submitted at the Annual General Meeting of the Authority in June 2018. A review of the transitional change could take place approximately six months following the implementation of the Reformed Fire Authority and this could be undertaken by the Scrutiny Committee or independently (with the report shared with the Committee).

Councillor Tranter would meet with Stephen Timmington, Support Officer, Strategic Hub, to consider and produce the annual report of the Scrutiny Committee which was due to be submitted at the June meeting of the Committee.

Meeting ended at 13.28 hours

<p>Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680</p>

Joint Consultative Panel

16 April 2018
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Clinton (Chair)
Councillors Allcock, Edwards, P Singh

Employees Side:
Steve Price-Hunt – Fire Brigades Union (FBU)
Andrew Scattergood – FBU

Officers:
Gary Taylor
Satinder Sahota, Monitoring Officer
Wendy Browning-Sampson, People Support Services
Helen Sherlock, Senior Business Partner, People
Support Services

1/18 **Apologies:**

CFO Andy Hickmott,
Association of Principal Fire Officers (APFO)
Cllr Booth
Cllr Douglas-Maul
Sarah Warnes
John Routley, Unison

2/18 **Declarations of Interest**

None declared.

3/18 **Notes of the Joint Consultative Panel held on
18 September 2017**

The notes of the Joint Consultative Panel held on 18
September 2017 were received.

Disputes Resolution Report

Helen Sherlock provided an overview of the Dispute Resolution Report, as presented to the Scrutiny on 26 March 2018, the purpose of which was to inform members of the Joint Consultative Panel about the number, type and outcomes of discipline and grievance hearings and other dispute resolutions including Employment Tribunal Activity which had occurred during the period 1 July 2017 and 31 December 2017.

The Panel were also provided with comparison data from other Brigades who provided information on their Grievance and Disciplinary activity from January to December 2017.

4.1 Grievances

Six grievances had been received all from Grey Book male employees.

Four of the grievances were appealed but not upheld.

One grievance was appealed and a development plan has been put in place and the other appeal is scheduled to be heard.

There had been an increase in grievances from the last reporting period, when there were 2 grievances.

All grievance case information was discussed at the monthly Joint Working Party meeting with the Trade Unions.

Further “train the trainer” and employment law classes would be provided throughout the year to help train, coach and develop existing and newly appointed line managers.

4.2 Disciplinary Cases

There had been eight disciplinary cases during the reporting period, all male employees, six were Grey Book and two were Green book employees.

One case was investigated as misconduct and seven were investigated as gross misconduct.

One case did not reach a hearing, two cases resulted in resignation, four cases resulted in a 6 month written warning, one following a reduction on appeal. And one case resulted in dismissal.

It was agreed that Appendix 1 setting out plots out trends of Grievance and Disciplinary data would be a feature of future reports and produced in colour.

4.3 Comparison of Disciplinary Data with Metropolitan Brigades

Information had been received from Merseyside, West Yorkshire and Greater Manchester. It was difficult to obtain the data and to compare like with like.

Merseyside had two thirds of the employees West Midlands, had reported 18 grievances, 16 were male employees and 2 female. They reported 28 disciplinary hearings of which 25 were male and 2 female.

West Yorkshire had approximately half the number of employees compared to West Midlands and reported 8 disciplinary cases and 14 grievances but had not stated if they were male or female.

Greater Manchester who are slightly smaller than the West Midlands had reported 10 disciplinary cases and 2 grievances which covered both uniformed and non-uniformed staff.

Further work would be carried out with HR forums and across the national fire service.

5. **Failure to Agree/Consult**

The organisation had received 2 Failures to consult that were dealt with by the Strategic Enabling Team and arrived at a satisfactory resolution.

Steve Price Hunt stated that since 2014 both the FBU/Unison representatives have raised their concerns about the amount and severity of disciplinary hearings. Following the roll out of an education programme, there has been a reduction in the number of cases, however, the severity of the cases was still a concern.

He noted that from the data received from the Metropolitan Brigades that the severity of cases is not shown.

Over the previous six month period, of the five gross misconducts cases, four had resulted in a written warning.

He stated that most cases are treated as gross misconduct and not misconduct, which indicates a failure to resolve issues at station level and managers were allowing matter to escalate and they were not dealing with the issues early. Letter delivered at home, mentions dismissal, most members go sick.

5 gross misconducts ended up with written warnings, which was the usual outcome for a misconduct case and the FBU felt this should be the initial disciplinary.

Currently there were eight cases of gross misconduct from the same station. Helen Sherlock confirm that all cases involved the same issues but were being dealt with individually.

The current 8 cases are in the majority from the same station and it was confirmed that all 8 involved in the same issues but being dealt with individually. Initially these cases involved breaches of Health and Safety so would automatically be considered as gross misconduct but there were mitigating circumstances.

All 8 Members of staff had all received the same letter, but there was a potential different outcome dependent on personal involvement.

Helen Sherlock confirmed that business partners work with managers in looking at issues and addressing and supporting them.

FBU do not accept or understand this methodology. Gross Misconduct results in higher levels of stress and felt it better to start with misconduct, whilst an investigation is being taken and escalate to gross misconduct if required.

Cllr Paul Singh requested that a piece of work is conducted into this as a gross misconduct allegation can be both frightening and stressful and if this can be avoided it should.

The Chair accepted that some actions and their consequences are clearly set out for employees.

Andy Scattergood stated that he totally accept gross misconduct and conduct, but did not agree with what appeared to be the default of going to gross misconduct. An Investigation then carried out, followed by a hearing or lowered to misconduct. The FBU opinion was that most cases should commence with misconduct.

Andy Scattergood felt that the employment costs could be high and if the eight staff currently on a disciplinary charge were being covered by voluntary shifts the cover sickness, the costs can be high.

Helen Sherlock confirmed that due consideration is given to the impact on the service and the Service Delivery Model and resources would be put in place the cover the impact of this type of occurrence.

Helen Sherlock stated that the timeframe is 6 weeks.

Total notice
Line Manager

Gross misconduct cases as not always suspended but most go members of staff go on sick leave.

SPH stated that it was 2 -3 months or could be 12 months as cases were out of the organisations control.

Case by case timelines could be included in next report.

It was confirmed that each employee is allocated a welfare officer to maintain contact over and above line manager.

The Procedure for Disciplinary cases is:
Operations Commander
Review with Business Partner

If Decision is Misconduct– a Operations Commander is Commissioned to look at the case
If the decision is a charge of gross misconduct a Member of SET is commissioned to look at the case.

The Chair requested that further employment training is provided for members of the Joint Consultative Panel and their substitutes and this would be arranged for the September meeting.

The procedure for disciplinary cases could be added into the next report.

Andy Scattergood requested that work commenced to re-evaluate and alleviate stress and pressure on members so that they would not book sick.

All Members agreed with Cllr Paul Singh's suggestion that there should be continuous improvement on the present system.

ACO Gary Taylor stated that following conclusion of the internal process. There would be an Officers debrief on the judgement, decisions and effectiveness of the process.

The Chair requested that a report be presented to the September meeting of the Joint Consultative Panel on the trend or gap outcomes of the debriefs..

Cllr Singh thanked everyone and enjoyed his experience on the Fire Authority.

Steve Price Hunt thanked Cllr Singh for his help.

Chair thanked everyone.

The meeting closed at 1350 hours.

**4 June 2018 at 10.30 am
at Fire Service Headquarters, Vauxhall Road, Birmingham**

- Present:** Members of the Authority
Councillor Edwards (Chair)
Councillor Idrees (Vice Chair)
Councillors Aston, Brackenridge, Craddock, Davis, Eustace,
Hogarth, Male, Miks, Spence, Tranter and Walsh
- Officers:** West Midlands Fire Service
Chief Fire Officer (P Loach)
Deputy Chief Fire Officer (P Hales)
Assistant Chief Fire Officer (G Taylor)
A Asfar, H Begum, B Brook, S Burton, J Campbell, J Connor, M
Hamilton-Russell, P Fellows, R Houlston, M Pym, P Shergill, N
Spencer, S Vincent, M Ward-White, S Warnes
- Clerk and Monitoring Officer**
K Gowreesunker (Clerk)
S Sahota (Monitoring Officer)
M Griffiths (Treasurer)
- Apologies:** Councillors Singh Atwal, Barrie, Dehar, Iqbal, Mottram, P.Singh,
Young
- Observers:** Nil

10/18 Chair and CFO Announcements

Cllr John Edwards, Chair of WMFRA, welcomed all attendees to the Policy Planning Forum.

Thankyous were given to the following members for their service:
Male, T.Singh, P.Singh, B.Douglas-Maul, Vice Chair Idrees, Cartwright,
Williams, Clinton, G.Singh, Eustace, Booth, Sealey, Mottram, Allcock, Davis.

Confirmation of the following meeting dates were as followed:

Executive Committee	6 th June 2018 at 10:00am
Labour Group	18 th June 2018 at 10:30am
AGM	25 th June 2018 at 11:00am

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11/18 Governance Update

Karen Gowreesunker, Clerk to the Authority, provided a Governance update.

Councils and Cabinets (and subsequently, West Midlands Combined Authority Board) have approved the Governance Scheme, which has been submitted to the Home Office.

A draft order and proposals should be received by September/October 2018. This will be subject to consultation with each Local Government Authority and West Midlands Combined Authority.

Should 'Redline Issues' not be accepted by the Home Office, this will require a review of options to progress governance arrangements with Local Authorities and the WMCA.

It is also feasible that other legislation such as Brexit, being progressed by the Home Office, may delay anticipated timelines previously identified.

12/18 Members' Questions

In answer to the Members' questions, Members sought reassurance that Officers were mindful of the following areas of concerns:

- Mayor to provide his upmost support to deliver red lines.
- The financial experience of Manchester Fire and Rescue Service, during their transition to Mayoral Governance.
- The decisions of WMFRA to manage reserves for budget sustainability and capital expenditures programme.
- The recent press statement by Government on utilisation of reserves, nationally.
- The development of the proposed scheme, safeguards the safety of local communities and places, in a strong service position to maintain the SDM.

13/18 Delivering against The Plan 2017/20

Phil Loach, Chief Fire Officer, delivered a presentation on the progress of the Delivery against The Plan 2017/20.

National Framework

The Home Office Fire and Rescue National Framework for England was introduced on 8th May 2018. It provides clear direction and expectation for strategic, people and financial planning and assurance based on evidence.

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The framework is a requirement under Section 21 of the Fire and Rescue Services Act 2004 and, should a Fire and Rescue Authority not be meeting the requirements, sets out powers of intervention.

Financial Efficiency Plan (FEP)

The Financial Efficiency Plan was presented. The plan is reliant on continual transformation of services and the need to diversify the skills of the workforce as a mechanism to reducing vulnerability. This approach ensures WMFS remains relevant for the future, providing services that effectively and efficiently meet the evolving needs of the community, the maintenance of the SDM and importantly the risk based 5-minute attendance standard for high risk incidents.

Financial Efficiency Plan					
	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m	Total £m
Staffing	2.1	1.3	0.4	0.2	4.0
Alternative Funding	0.	0.8	1.0	-	2.0
Internal Restructures	0.4	0.6	-	-	1.0
Service Reductions	1.0	-	-	-	1.0
Council Tax Base	0.9	0.4	0.4	0.3	2.0
TOTAL	4.6	3.1	1.8	0.5	10.0

WEST MIDLANDS FIRE SERVICE

Integrated Risk Management Plan (IRMP)

Resurgence of importance of the IRMP is noted with revision of the National Framework of FRS' and the new HMICFRS Inspection Regime. Pilot inspections experienced numerous questions being linked back to the establishment of IRMP.

A National Leading Survivability Study was conducted, with scrutiny conducted by Coventry University. The conclusion being that our work is valid and that standards that we sought to supply are being achieved.

Our IRMP supports our integrated approach, provided through our SDM and pursues an evidence based approach to risk management, citing Prevention and Protection to minimise response, thereby ensuring the most vulnerable communities become safer.

Our IRMP was developed following public consultation, to which there was 5,763 responses:

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97% agreed that we should protect our 5-minute response time.

91% agreed that our prevention, protection and response work makes the communities and businesses of the West Midlands Safer, Stronger & Healthier.

81% stated that we should continue to look at alternative ways of bringing in money to support our SDM.

Our Strategy

The Authority on 20th November 2017 and 19 February 2018 confirmed its commitment to the delivery of the Integrated Risk Management Plan, through its rolling three-year strategy 'The Plan 2018-2021'.

Progress in Delivering Strategy

Establishment of a Local Agreement with Representative Bodies was recognised, with alternative funding sought through commissioned services e.g. falls response, promotion of training facilities available etc.

To date, 102 firefighters have been recruited on new contracts and from January 2018, the new entrant profile has significantly increased to 32% female and 32% from BME backgrounds; reflective of the community we serve. We provide fleet availability of 99% and have adopted innovative approaches to staffing; varying fleet between day and night and flexible working.

Trade Dispute

The 5 points to the trade dispute were outlined:

1. New Entrants Contracts
2. Imposition of Fire Control
3. Interfering with legitimate Trade Union Activity
4. Inducement of Staff
5. Dictatorial Management

With a breakdown of the ballot outcome provided:

- 1170 eligible to vote
- 954 votes casted
- 860 voted Yes
- 93 voted No
- 1 spoilt paper

2 proposed options were presented to Members:

Option 1- Current Strategy

Continuing with our current strategy would promote the future sustainability of the current SDM, enabling a delivery of £2m component of the Financial Efficiency Plan (FEP). The sustained delivery of such activities would be

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achieved through new entrants and existing volunteers and provide the Authority with longer term opportunities for transformation and sustainability. However, it was felt that this option would lead to a continuation of the Trade Dispute leading to industrial action.

Option 2 – Revised Strategy

A revision of 'The Plan 2018-2021' would require identification of alternative ways of achieving efficiencies from within the Service. There would be high probability of a requirement to deviate from current SDM and would be a necessity to review the IRMP. The ability to continue to meet our 5-minute risk based attendance standard would become more challenging and may not be achievable. Similarly, the consistent delivery of assertive, effective and safe emergency response is less likely, as resources become more limited and the service becomes less able to meet future financial pressures. For example, any reduction in our SDM would lead to increased attendance times for the second resource in attendance, therefore restricting our ability to deliver an assertive, effective and safe response.

Financial Impact

Regardless of option selected, there is a need to provide a minimum three months' notice period, to meet the terms and conditions of existing Telecare contracts.

Alternative means of identifying savings through reduced SDM need to be considered and a revised FEP will need to be submitted to the Home Office for approval. Therefore, the current Falls Business Continuity Arrangements will need to be maintained for this notice period at least.

Legal Implications

Changes to the IRMP may require further consultation and there needs to be notification to the Home Office of potential changes to the FEP. Employment contracts cannot be removed without being replaced and will need to be agreed through collective bargaining.

14/18 Members Questions

Members raised the following comments and questions:

- Cllr Hogarth - supports the approach taken by the Fire Authority so far and that this should remain consistent. Should option 2 be taken it will potentially mean other disputes will arise.
- Cllr Male –
 1. enquired whether there is confidence to find efficiency savings elsewhere within the Service?
 2. the Fire Authority has requested firefighters to accept change whilst also seeking 'redlines' in governance journey – these two approaches are about maintaining strategy
- Cllr Spence – expressed sadness on this issue as the Service has progressed employment reflecting community groupings to good effect,

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and industrial action would not be the right thing to undertake. There would be little benefit to re-consulting on the IRMP as the current Plan remained relevant.

- Cllr Brackenridge –
 1. requested slides be sent in advance. Much detail to receive and could have been sent to Members in advance of PPF. Would be submitting questions after the meeting.
 2. The level of 90% in favour suggested real issues existed and that dictatorial management being raised was concerning; specifically what are the points and the potential resolutions?
 3. Expressed that firefighting is about responding, that has not changed since he was one himself, and that there is a role to expand the role map but the withdrawal from health trials by FBU nationally, illustrated that people need be bought along together and not as substitute for other emergency service providers.
 4. Expressed he would not wish to do this work, this is the work of health authorities, are we acting as a sticking plaster for the NHS. We need to enter negotiations with more focus and discuss and resolve.
- Independent member Mr Ager – cannot live with prospect of industrial action for years, but agreed the Fire Authority has agreed its strategic plan for service delivery.
- Cllr Idrees – cannot understand premise of dispute. The Service and its firefighters should have been proud to continue delivering these services as people only requesting help when in need.
- Cllr Miks – commented that Falls Response in Coventry had been well received locally, provided by volunteers and new entrants and not understandable that FBU should be against. Expressed disappointment that the vote appears to be based upon an issue not specifically outlined in the trade dispute.
- Cllr Eustace – all jobs have elements that people don't like. How often do firefighters respond to Falls and is it sufficient to compromise everything else?
- Cllr Jenkins – agreed that it is disappointing the Service finds itself in such circumstances, however option 2 is doing everything possible to resolve those circumstances and enables a negotiation with the FBU to progress them. Evident that a high number of firefighters do have concerns and the experience of Birmingham City Council in a recent trade dispute illustrated that public will favour their cause.

In response to members' comments and questions, the following summary points were made:

- Efficiency savings are regularly being looked at. Internally there are three options; savings, internal restructure and business Development. However, if we cannot generate the £2 million income, they will be unable to be made elsewhere, due to reductions already made within the Service. We are lean and therefore the service delivery model will be the focus.

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- Returning into Public Consultation will be a necessity, if significant variations are to be made to the SDM and FEP.
- Dialogue surrounding the reasons into why 90% of Firefighters voted for positive action, is advisable.
- Need to ensure clarity by all parties into the role of Employee Relations Framework (ERF) and responsibilities to recognise protocol to manage action.
- Confirmation of remuneration and business continuity arrangements and approx. call out figures for falls response were provided (12-15 per day across three areas – accepting this will grow but strategy has been built to enable this scenario).
- Each Fire and Rescue Service around the United Kingdom has its own contract of employment for implementation of the Firefighter role map.
- Believe role of the fire service is not to wait for people to need to be responded to but to address up stream causes – critical to future of fire service
- Continue with degradation of strategy the fire service nationally will become irrelevant.
- New employment model has attracted people who seek to undertake such work and are attracted to a new and contemporary service, whilst also providing safeguards to existing employees who do not want to provide these services . This has also provided diversity in the increased attraction of female and Black Minority Ethnic recruits.
- Dictatorial management is a generic term used in trade disputes. Feedback during recent SET engagement on stations has indicated that this may have been a feature of the past, but that responses to comments made on internal Service social media (Yammer) may have recently been construed as censorship

The Chair summarised that the presentation had been made as clear as possible. The Fire Authority had done the right thing to pursue a Local Agreement, however this was primarily a national issue and should be resolved as such without detriment to WMFS. The Chair looked to the Fire Minister to understand the scale of opposition and that it advise his approach to change nationally. Following discussion (excepting Dudley and Solihull) with Council Leaders or their Deputies, and subsequently Section 41 members that industrial action should be avoided.

Members were assured that the presentation would be made available in advance of the Executive Committee meeting and submissions of questions prior to this meeting were welcomed. The meeting is open to those who wish to observe.

Members were thanked for attending.

The meeting closed at 12:31 hours.

Policy Planning Forum
4 June 2018

Contact Officer: Stephen Timmington Strategic Hub West Midlands Fire Service 0121 380 6680

Minutes of the Audit Committee

4 June 2018

at Fire Service Headquarters, Vauxhall Road, Birmingham B7 4HW

Present: Councillors Aston (Chair), Barlow, Brackenridge and Mr Ager (Independent)

Apology: Councillor Barrie

21/18 Appointment of a Chair

In the absence of the Chair and Vice Chair, the Committee agreed that Councillor Adam Aston should act as Chair on this occasion.

22/18 Declarations of Interest in contracts or other matters

There were no declarations of interest.

23/18 Minutes of the Audit Committee held on 26 March 2018

Resolved that the minutes of the meeting held on the 26 March 2018 be approved as a correct record.

24/18 Governance Statement

The Committee received the Governance Statement for 2017/18.

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 2017/18, and reference to the external environment that the Authority is operating in.

The Committee noted the Audit Work that had been undertaken during 2017/18 and issues had been identified in the reviews of Absence Management, Fire Stations – Management of Fuel and Partnerships issues highlighted in the Annual Internal Audit Report had been raised with relevant managers and actions had been taken to achieve improvements.

25/18 **Monitoring Policies on Raising Concerns at Work – Whistle Blowing Standing Order 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 Order 2/20 and Regulation of Investigatory Powers Act 2000.

It was reported that there had been no allegations of whistle blowing reported through the Whistle Blowing Policy Standing Order 2/20,

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 2018.

Standing Order 2/20 was currently under review and was due to be published by 2018. The Auditor had pointed out that the Order had references to previous Officers and it was confirmed that the information would be updated during the review.

It was noted that the European Union General Data Protection Regulations came into force from 25 May 2018 and any future fines would rise to 4% of turnover of income circa Euro 20m for serious breaches.

26/18 **WMFS Annual Internal Audit Report 2017-18**

Approval was sought for the Annual Internal Audit Report 2017/18 which had been compiled by the internal auditors

The report detailed the work of the internal audit service undertaken in 2017/18, 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 2017/18 Internal Audit Opinion:

13 areas were audited, one Area, Absence Management, had a limited level of assurance and had been reported to the previous Audit Committee. This was the result of a system issue and had been addressed. The vast majority of audits had received a substantial level of assurance.

Based on the work undertaken during the year and the implementation of the recommendations made, Internal Auditor provided "reasonable assurance" that the Fire Authority had strong risk management and controls and provided an unqualified opinion and the highest level of assurance available to them. The overall opinion could be used by the Authority in its preparation of the Governance Statement.

In answer to a question from the Independent Member, the DCFO confirmed that all staff were aware of the GDPF regulations and its impact. A number of policies had been combined into one Standing Order 01/05 Management of Information and information had been provided on protective marking. Investment had been provided to introduce software for automatic protective marking and awareness sessions had been undertaken with staff.

The Manager responsible for the project worked in the ICT Department and was responsible for changing people's attitudes to protective marking. In future, all reports would have a Standing Item of Information Impact Assessments.

Resolved that the Annual Internal Audit Report 2017/18 be approved.

27/18 Audit Committee Annual Report 2017-18

Approval was sought for the Annual Internal Audit Report 2017/18 which had been compiled by the internal auditors.

Following approval the report is submitted to the Annual Meeting of the Authority. The report provided an overview of the business of the Committee during 2017/18, meetings held, Committee Members and attendance record and the business undertaken. Information flows through to the Committee, following a lot of work being undertaken and no issues of real concern had been identified. Adequate systems were in place to identify risks.

Going forward to the reformed Fire Authority, the number of members of the Audit Committee would be reduced to 5 from 6 members and the Committee would be retitled Audit and Risk Committee to better reflect the work of the Committee.

Resolved that the Annual Report of the Audit Committee be approved and submitted to the Annual Meeting of the Authority.

28/18 Pensions Board Amended Terms of Reference 2018-19

The People Support Services Manager stated that the Pensions Board had been in place for three years and it was felt prudent to look at the Terms of Reference particularly, in light of the outcome of the Scheme Advisory Committee Survey.

The Terms of Reference had been reviewed and it was proposed that the number of meetings should be increased from two to four per year. The reason for this proposal was that if a meeting was missed or cancelled the momentum of the Board would not be lost.

The Board had an Independent Chair and it was proposed that the number of Employee and Representatives should be increased from two to three. One of the Employee Representatives should be a retired pension member as their interests are different.

In answer to a Member's enquiry, it was confirmed that an election process was held for Employee Representatives. Nominations would again be requested for the positions and a vote would take place.

The DCFO confirmed that the Legislation sets out how Members should be appointed and also the training that should be provided to Members of the Pension Board.

Resolved that the Amended Terms of Reference of the West Midlands Fire and Rescue Authority Pensions Board be agreed.

29/18 Audit Committee Work Programme 2017/18

The Committee noted the Work Programme for 2017/18.

30/18 Update on Corporate Risk

The Committee received a verbal update from the Deputy Chief Fire Officer on the impact of the Trade Dispute on the Corporate Risk Register.

The DCFO stated that arrangements were in place if Industrial action took place, and confirmed that this was a statutory duty. A number of official sites, mainly Territorial Army centres had been arranged and training of staff on fire control systems was taking place. Resilience arrangements were in place for provide a service to community. Members would be informed of developments, but key areas of the Risk Assurance Map had been altered to reflect this.

In answer to the Independent Member's query it was confirmed that both the ability to carry out its function and industrial relations risks, Corporate Risks 2.1, 6.1 and 9.1 had been increased and the situation would become clearer following an Emergency Meeting of the Executive Committee scheduled to take place on Wednesday 6 June 2018.

31/18 Audit Committee Update from External Auditors

The Committee received a verbal update from Grant Thornton. The audit of accounts had commenced and nothing unusual had been found and the Auditor expected a clean set of accounts. The audit was currently in week 3 and would be finalised on site during the following week. A draft audit findings report would then be produced.

The Auditor stated that West Midlands Fire Service were the best set of accounts that they audited.

In answer to a question from the Independent member on the basis for materiality, the External Auditor confirmed that they used 2% of expenditure, just under £2.5m. The Fire Service were considered low risk as errors were rarely found and there were less complex accounting arrangements such as Private Finance Initiatives.

The Chair thanked Kal Shoker and the Financial Management Team, for the information and assistance provided to the Auditors.

33/18 **Update on Topical, Legal and Regulatory Issues (Verbal Report)**

There were no new issues to report.

33/18 **Private Meeting with External Auditors**

The Members of the Audit Committee met in private with the External Auditors.

34/18 **Workshop for Members on Statement of Accounts 2017/18**

The Members of the Audit Committee attended a Workshop on the Statement of Accounts.2017/18.

The meeting finished at 1309 hours.

Julie Connor Strategic Hub 0121 380 6906 Julie.Connor@wmfs.net

Minutes of the Scrutiny Committee

04 June 2018 at 10:30 a.m.
at Fire Service Headquarters, Vauxhall Road, Birmingham B7
4HW

Present: Councillor Tranter (Chair),
Councillors Spence, Miks, Male, Hogarth

Apologies: Councillors Brackenridge, Young, Barrie

Observer: Tom Dare, Birmingham Mail

12/18 Declarations of Interest in contracts or other matters

There were no declarations of interest.

13/18 Minutes of the Scrutiny Committee held on 26 March 2018

Resolved that the minutes of the meeting held on the 26 March 2018 be approved as a correct record.

14/18 Scrutiny Review of Safeguarding – Scoping

Assistant Chief Fire Officer (ACFO) Gary Taylor, Director Service Delivery, presented a report on the review of safeguarding

The report asked the committee to give consideration to the subject of its next scrutiny review and the scoping document (included with the report as Appendix 1), with a view to initiating a review of safeguarding, and the establishment of a working group.

It was noted that it was good that the safeguarding of adults and especially the elderly was being looked at and reviewed.

Resolved that the committee approved the scoping document and the setting up of the working group to take forward the review of safeguarding.

15/18 Scrutiny of Positive Action and Firefighter Recruitment

Area Commander Sarah Warnes, Strategic Enabler People Support Services and Joanne Simmonds, People Support Manager, presented a report on positive action and the recruitment of firefighters.

The report gave an update to Scrutiny Committee on current activity in developing the Fire Services approach to positive action and provided details of the outcomes of recent firefighter recruitment activity.

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

- The committee welcomed the fact that there were more women being recruited.
- It was confirmed that the recruitment candidate groups were now in situ.
- It was confirmed that no one had left the Service once deployed to station.
- The applicants were coming from a wide range of backgrounds, ages, and most were already employed.
- The Diversity Inclusion Cohesion and Equality (DICE) Station Initiative, in which several stations are involved, was being reviewed, and that there are a lot of positive actions being publicised whenever the organisation interacts with local communities via various methods including social media.
- There was a change in Operations Commander for Coventry and Solihull; ACFO Gary Taylor said he would ask the new Operations Commander to arrange a meet and greet with Cllr Miks.

Noted the progress made in relation to the review of positive action and firefighter recruitment.

16/18 Internal Audit Report – Partnerships

Assistant Chief Fire Officer (ACFO) Gary Taylor presented the report on the internal audit of partnerships.

The report was submitted to Scrutiny Committee Members to note the content of the Internal Audit Report - Partnerships dated 30th April 2018.

Noted the content of the Internal Audit Report - Partnerships, report no FS005, dated 30th April 2018 plus the included Appendix.

17/18 Analysis of Progress of Quarterly Performance Against The Plan Qtr 4 2017-18

Assistant Chief Fire Officer (ACFO) Gary Taylor and Area Commander Sarah Warnes, Strategic Enabler People Support Services, Director Service Delivery, presented a report on the organisations performance against 'The Plan'.

This report was submitted to provide an analysis of the organisation's performance against 'The Plan' for 2017/2018.

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

- To try and reduce the number of accidental dwelling fires certain groups of the community are targeted e.g. elderly and vulnerable.
- The data presented in the report can be drilled down to Local Council and Station Area, this information is also included in the Fire Authority briefings sent to members. Coventry have an interactive presentation which can be drilled down.
- It was suggested that it may be useful to have a comparison between the council areas.
- It was noted that in one case there had not been a meeting with the area councillor in the last 18 months.
- It was confirmed that male and female pay was the same across the organisation.

- It was queried whether there should be an amber category for items that had slipped into the red category, outside the tolerance level, but had mitigating circumstances behind it.

Noted

- The status of the Service's key performance indicators in the fourth quarter of 2017/2018 (Appendix 1).
- The progress made in delivering the three strategic priorities contained in 'The Plan' 2017-2020 (Appendix 1).
- The update on the performance information system detailed in section 5 of this report

18/18 Diversity Inclusion Cohesion Equality Update

Joanne Simmonds, People Support Manager, presented a report on Diversity Inclusion Cohesion Equality (DICE).

The report was presented to the Scrutiny Committee to review and consider the ongoing progress being made by the Service in advancing DICE. This activity supports our equality objectives as well as our statutory requirements of the Public Sector Equality Duty and Equality Act 2010

Noted the progress made by the Service in relation to DICE during the last 6 months.

19/18 Annual Report of the Scrutiny Committee 2017-18

That the Committee gives consideration to the content and format of its Annual Report 2017/18 for submission to the next full meeting of the Authority.

This report is submitted to Members to seek approval of the Annual Report of the Scrutiny Committee 2017/18.

The chair said that he had read through the report and was happy with it and asked the committee if they were happy and all agreed.

Resolved that the Annual Report of the Scrutiny Committee be agreed.

20/18 **Scrutiny Committee Work Programme 2017-18 – June 2018**

The Committee noted the Work Programme for the remainder of 2018.

Assistant Chief Fire Officer (ACFO) Gary Taylor commented that the Safeguarding review (agreed under item 14/18) should be added to the Work Programme.

The meeting finished at 13:48pm.

<p>Roger Ryman Administration 0121 380 6229 roger.ryman@wmfs.net</p>
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Minutes of the Executive Committee

6 June 2018 at 1000 hours

Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor John Edwards (Chair)
Councillors Allcock, Aston, Barlow, Atwal Singh,
Hogarth, Walsh

Apologies: Councillor Mottram

Observers: Councillors Brackenridge, Idrees and Spence

4/18 **Declarations of Interest**

The Chair declared a non-pecuniary interest and stated he was in receipt of a firefighters' pension.

5/18 **Minutes of the Executive Committee held on 26 March 2018**

Cllr Allcock stated that he had attended the meeting and asked for his attendance to be noted and apologies removed.

Resolved that the minutes of the meeting held on 26 March 2018, be approved as a correct record.

6/18 **Delivery of the Plan 2018-2021**

The Committee noted the progress made towards delivery of The Plan 2018-21 and the Financial Efficiency Plan (FEP) and recognised the impact and risks outlined in the report of the trade dispute and agreed to indicate a preferred option at the end of the meeting.

The Chief Fire Officer presented the report and asked his Statutory Officers to also provide further information on governance and the Financial Efficiency Plan (FEP) to inform the Committee's decision. The Committee noted the information on the trade dispute lodged by the Fire Brigades Union (FBU) on the 11th April 2018 and the steps being taken by both the Service and the FBU to resolve the trade dispute.

The key considerations are to maintain the effective delivery of assertive, effective and safe response, protection and prevention services to local communities, aligned to the expectations as set out in the Fire and Rescue National Framework for England 2018 and the Authority's Integrated Risk Management Plan (IRMP).

The Revised National Framework issued on 8 May 2018 was provided as an Appendix to the report.

The CFO stated that the recent Public Consultation had provided emphatic support for The Plan.

The details of the Trade Dispute lodged with the Authority on 11 April 2018 were set out in the report as Appendix 2.

The Service and the Authority did not recognise the picture that the trade dispute provided and had subsequently taken part in the discussions facilitated by the National Joint Council ((NJC) Joint Secretaries. The purpose of this meeting was to achieve a shared information picture of the evidence presented by both the Service and FBU on the five points of the trade dispute. The meeting took place on the 15 May 2018.

On the 29th May a NJC conciliation meeting was held with the purpose of seeking a resolution to the dispute. Unfortunately, progress was not made to address the FBU concerns in a way which would maintain the delivery of the WMFRA strategy and deliver a balanced budget.

Following a ballot for industrial action (including discontinuous strike) the Authority was notified on 29th May that the outcome of the ballot supported a mandate for the FBU to commence industrial action, as set out in Appendix 3.

The turnout of FBU members to ballot was 82%. 90% of those members that voted, voted to take industrial action.

It was understood that industrial action would commence at some point prior to 26 June, however at the time of writing the report notification of strike action had not been received.

The Service remains committed to reaching a local agreement with the FBU around shared solutions to deliver the Strategy and continues to engage in local meetings following the announcement of the results of the ballot.

6.1 Future Direction – Options

In confirming the future direction of the Authority two separate options were provided and are set out below. These options do not contain an option for a local agreement to be reached for two reasons: the national FBU position and the current status of the trade dispute.

The Executive Committee considered the risks and impacts of each option in relation to; legal duty of the Authority, the alignment to the Framework, assessment of risk as set out in the IRMP, commitment to the agreed FEP and the role of the Authority in consulting and approving The Plan 2018-2021.

An extensive discussion on the Options had been held with Members of the Fire Authority at the Policy Planning Forum held on the 4 June 2018 and were presented to the Committee as follows:

Option 1 - Maintain current delivery of The Plan 2018-21

Maintaining the Authority's commitment to The Plan 2018-2021 and all components of the FEP, ensures the achievement of statutory requirements for the continued delivery of services within a balanced budget. This secures

the future sustainability of the current SDM providing effective and integrated response, protection and prevention activities to reduce risk and vulnerability within our communities.

Delivery of strategically aligned alternatively funded activities within the existing SDM, is critical to supporting the achievement of the £2m income generation component of the financial efficiency plan. The sustained delivery of such activities would be achieved through new entrants and existing volunteers. This approach supports the cultural change needed to deliver wider services, which are critically aligned to our core prevention, protection and response services to effectively reduce risk and vulnerability.

In the absence of a local agreement maintaining this approach will likely lead to industrial action, potentially resulting in the need to deliver our statutory services through resilience arrangements.

Resilience arrangement's will have impact on our ability to meet the requirements of the IRMP in delivering service to communities and the 5-minute attendance standard, as well budgetary impacts.

However, when considered against the requirements of the 3-year rolling Plan and 4-year FEP, these impacts will not continue past the period of industrial action and can be managed without the need to revise the Authority's strategic direction.

This approach will ensure the Authority can continue to plan longer term opportunities for transformation and sustainability, which is critical at a time where WMFS are challenged financially and scrutinised more closely. The continued delivery of alternative funding activities through new entrant and volunteers, supports the Government expectations for Fire and Rescue Service reform; delivering efficient and effective services through collaboration and focussing on reducing risk and vulnerability within our communities.

Option 2 - Revise The Plan 2018-21

Revising The Plan in a manner that will resolve the current trade dispute, thereby avoiding industrial action, will require the resolution of all five points of the dispute including the removal of new entrant contracts.

The importance of avoiding industrial action is an important consideration and resolving the trade dispute would also reinforce the Authority's commitment to the role of the NJC and collective bargaining through the locally recognised trade unions.

Taking this course of action would also create a number of less positive impacts and risks were highlighted in the legal and financial implications sections of the report.

Option 2 would require a variation to The Strategy and would have an organisational impact.

The Treasurer stated that the issues laid out in the financial implications and consequences depending on option chosen, would cause significant impact on The Plan and budgets. Industrial Action would also impact on budgets.

Industrial Action and changing the Strategy would have a significant impact on The Plan and Budget.

The Treasurer focussed on how the budget shortfall would be met if Option 2 was chosen and, in particular, the impact on the Authority's strategy and associated Service Delivery Model. The Treasurer strongly urged that the Authority should determine the alternative ongoing Service changes that would be required to meet the funding gap before the next budget setting exercise.

Industrial Action would bring financial issues, however, a change to the Strategy would cause more ongoing consequences that need to be identified and understood to ensure the ongoing budget was set on an appropriate basis.

The Treasurer indicated he anticipated that the External Auditors would expect an explanation of the financial changes to be part of the decision-making process if there was a change to the Authority's strategy and that this was likely to feature as part of the Auditor's considerations of the Authority within the Audit Findings Report.

The Clerk of the Authority drew the Committee's decision to the Legal Implications set out in the report and stated that if the Committee voted for Option 2, they would be reversing the decisions made in November 2017 and February 2018 in approving the strategic direction of the Authority and there would be further implications around meeting the requirements of the National Framework and financially, both of which would be subject to scrutiny.

There would also be a requirement to withdraw the new entrants contracts, which would in turn have implications on the ability to deliver against our IRMP and this would, most likely, lead to further public consultation as changes to the 3 year rolling strategy, The Plan, would be required for future years.

The Clerk asked Members to ensure that the decision they made today was supported by a clear evidence base.

The Chair in moving option 2 made the following comments:

"The Executive Committee was to give consideration to a report which addresses how its strategic plan could be delivered over the next three years given the likelihood of imminent industrial action by firefighters of West Midlands Fire Service.

A difficult decision has to be made to avert industrial action and to ensure that our emergency services to our communities continue with the speed and efficiency that people quite rightly expect.

We do not want to see industrial action cause disruption to our fire and rescue service because that would have immediate and ongoing impacts on community safety. We

have no clear picture on how long the action might continue and how entrenched it may become.

We need to be very careful not to embark on a journey when there is no clear destination. We also have to be aware of future staff relationships and the need for good industrial relations as we move forward. In making this decision, we have to take into account the depth of feeling evidenced by the size of the ballot. We also have to consider the future credibility and relevance of WMFRA and WMFS as members of the National Joint Council and the Local Government Association.

We will continue to seek jointly agreed solutions with all our trade unions to deal with the serious impacts that budget reductions of £38 million are having on our fire and rescue service and will do our utmost to deliver the most efficient and effective service we can with the resources available to us.

In supporting Option 2, Members are deciding that the new entrants contracts will now be withdrawn and while the process to deliver that is implemented those sections of the contracts that have proved problematic will remain suspended. Conversations with the FBU will continue with a clear expectation of an early resolution of the other points in the dispute.

As a result of the action we are taking today we now expect the threat of industrial action by the FBU to be lifted.”

One Member stated that he had listened to the arguments for Options 1 and 2 and he knew the numbers and implications and risks of the decision. However, there had been an overwhelming ballot result and he felt that the people of Dudley did not elect him to see firefighters on a picket line, supporting industrial action and as a Member of the Labour Party he could not support Option 1.

Another Member had a different view and didn't want to see firefighters undertaking strike action, but felt in some respects it was focused on quite a minor issue in regard to the Fire Service and a didn't want the Authority to be in the same position in the future with a more major issue. He

referred to new employees having accepted new contracts and existing employees had not been forced into undertaking the work outlined in new contracts and wondered why the FBU had created this situation.

He enquired if the new entrant's contracts were to be withdrawn, if new entrants would then be issued with the previous contracts. He stated that he supported the recommendation that the whole Authority had agreed to in November 2017. He understood the Labour Party's position and the difficult situation, but it was felt seven months previously that the move to new entrant's contracts was the best way to balance the books and he could not just change his mind. The Councillor also expressed his concerns on the financial cost of a strike.

He could not support Option 2.

The Chair replied that the reality was now to revise the November 2017 decision as overwhelming new material evidence had become available to consider against this decision and the Authority were not in a position to deliver this strategy.

There was a major national issue facing Fire and Rescue Services on how it could transform the role map. The NJC had been looking at this issue for the previous 12 months.

He stated that the Ballot sent a message to the Fire Minister on the need to deliver transformation nationally and support any new role map through additional resources for the fire and rescue sector. Government needs to intervene to make it work and this is not a minor issue.

There was now a process to go through and officers would be required to find a way to make this work.

Further comments were not made by any other members.

The Treasurer wished to provide a balanced view to the members and asked for context regarding how the Authority's strategic plan could be delivered over the next three years as referenced in the Chair's comments.

There would be an impact on the Plan arising from Option 2 and the Treasurer asked the Chair if he could give an indication of the Service changes and budgetary consequences arising from that option.

The Chair recognised that in choosing Option 2 as outlined, would require the Authority to revisit its Service Delivery Model and FEP. The loss of income would have an impact on both the FEP and SDM and these would be required to be revised before the summer break. Further financial planning would be required and there would be consequences to losing £1/2m of generated income, but officers would be required to set out recommendations for the Authority to consider on how it could achieve a balanced budget.

The Treasurer stated there would be a significant budget gap that would need be required to be funded, potentially from general balances in the current year or part of current year.

The Chair confirmed that balances would be used, but that the Authority had not made any income over the previous six months since the end of the trial. Any assumed income had not been earned because of the payments made for business continuity purposes.

If the Treasurer advised the use of balance and then a strategy for a balanced budget, the Authority would expect officers to provide them with a solution for consideration.

The Treasurer advised there was a £1m Alternative Income budget in the current year, which had been set on the basis there would be no business continuity arrangements in place and so Option 2 would put the budget out of balance. The use of balances was not sustainable to meet the budget gap that would be left by reduced Alternative Funding, although there might be a requirement to use additional general balances in the short term i.e. during the current financial year. Also, in future years, clarity would be required to set an alternative strategy and Service Delivery Model together with an associated balanced budget.

An enquiry was made as to likelihood of tenants in the empty sections of Headquarters and if the Authority could lease the building out to obtain an income.

The Treasurer confirmed that where appropriate the Service would collaborate and Birmingham City Council had rented part of the building until recently. The upper part of the building had been emptied in readiness for the relocation of Fire Control.

The Service were also looking to rent out or put to alternative use the area on the ground floor vacated by Birmingham City Council.

Headquarters formed part of the Authority's Asset Plan and the Treasurer confirmed that four locations were currently being prepared for use by Police teams and provided some level of income. Space would be leased where appropriate.

The Chair stated there were clearly financial implications to be considered, but also stated that Option 1 had financial complications and there was no local agreement and this would create on-going financial problems. The Authority would continue to hold dialogue with the FBU, but there are potential difficulties with both options. There could be protracted Industrial Action and no service to the community. Option 2 would be considerably less disruptive to the community.

The Chief wanted to ensure the Executive Committee's understanding and to make Members fully aware that the Authority's ability to develop new contracts had nothing to do with the NJC and the Authority had been fully consulted on this.

The Chair agreed that the new entrant's contracts were not unlawful, but were undeliverable without Industrial Action.

CFO stated that the strategy was not undeliverable, and 100 people had volunteered to undertake the work, it was difficult to make changes when there was uncertainty. However, a mechanism existed through a lawful process for Option 1 to be delivered with volunteers.

Agreement had been reached with both the Fire Officers Association and Unison representatives to do this.

In respect of the generation of income, the Chief felt there had been an over focus on income from falls response and the Service were looking at a range of themes to generate income to meet the reducing core funding, and reliance on council tax and grants.

The Authority had been appraised and further opportunities to generate income would have arisen, if the strategy had been allowed to continue.

The Chair hoped the Authority would return to its alternative funding/commissioning strategy but felt this was not achievable now.

Members of the Executive Committee took a vote to accept Option 2.

Outcome

For: Cllrs Aston, Allcock, Atwal Singh, Edwards, Walsh 5

Against: Cllrs Barlow and Hogarth 2

The CFO stated "I am content that I have communicated a clear picture that ensures this decision has been consciously taken knowing it will affect all aspects of our strategic objectives.

My role is to now to work with SET to revise the IRMP for consideration by the Fire Authority."

The CFO whilst respectful of the decision and content with the way officers had communicated the strategy stated "It is my professional advice this will result in a less effective emergency response, prevention and protection service and that communities will be less safe (as a result of this decision)".

The Chair replied stating he felt that the community would be less safe if the Authority entered into a period of industrial action.

Resolved that the preferred Option was Option 2.

The meeting finished at 1035 hours.

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