

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

25 June, 2012 at 11.00 am
at the Fire Service Headquarters, Birmingham

Present: Councillors Aston, Singh Atwal, Auluck, Chambers, Clinton, Davies, Davis, Delaney, Douglas-Maul, Edwards, Eustace, Foster, Hogarth, Idrees, O'Neill, O'Reilly, Quinnen, Sealey, Singh, Spence, Tranter, Walsh, Wright, Yardley and Young.

Apologies: Councillors Finnegan and Ward.

Observers: Messrs Ager, Denny and Topliss.

47/12 **Election of Chair**

Resolved that Councillor Edwards be elected Chair of the Authority for the period ending with the annual meeting in 2013.

48/12 **Election of Vice-Chair**

Resolved that Councillor Idrees be elected Vice-Chair of the Authority for the period ending with the annual meeting in 2013.

49/12 **Declaration of Interests**

Councillors Edwards and O'Neill declared personal interests in Minute No 61/12 below (Monitoring of Finances).

50/12 **Chair's and Chief Fire Officer's Announcements**

The Chair welcomed new members to the Authority.

The Chair reported that the Service had been working with a group of local young people investigating the causes of the riots of 2011. The Service had offered to host the launch of the young people's report entitled 'Future Melting Pot', which would take place at 3 pm on 28 June, 2012 at Safeside. Members were invited to attend.

The Chair also invited members to attend the final of the Schools Safety Challenge quiz, to be held at 6 pm on 10 July 2012.

He reported that for the first time this year there would be a public vote for 'Fire Station of the Year' as part of the annual Aspire awards. A shortlist was being drawn up and members would be contacted with regard to the nominations.

The Chair referred to the challenges of the year ahead for the Authority in the face of the anticipated reduction in grant. Members would need to plan for change and had taken the first steps in this process at the recent Policy Planning Forum where members had set a clear list of priorities for the service and how they might be achieved.

The Chief Fire Officer welcomed members to the annual meeting and also referred to the financial challenges facing the Authority.

He reported that the Service had been involved with the local arrangements for the Olympic Torch Relay, and continued with preparation for the Olympic Games, providing support and capacity to other Brigades in this regard as well.

He referred to the success of the Service in retaining the Investors in People award, and was awaiting detailed feedback from the inspection.

The Service had also won the ROSPA Sector Award in competition with other blue light services.

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51/12 **Minutes**

Resolved that the minutes of the meeting held on 16 April, 2012, be confirmed as a correct record.

52/12 **Membership of the Authority 2012/13**

The Clerk reported on the membership of the Authority for 2012/13. A revised membership list was tabled at the meeting.

53/12 **Questions on Discharge of Functions**

Resolved that the following Councillors be nominated under Section 41 of the Local Government Act, 1985, to answer questions put in the course of proceedings of constituent Councils on the discharge of the Authority's functions:-

	<u>Lead Councillor</u>	<u>Substitute Councillor</u>
Birmingham	Idrees	Clinton
Coventry	Walsh	Auluck
Dudley	Davies	Aston
Sandwell	Edwards	Tranter
Solihull	Davis	Hogarth
Walsall	Chambers	Young
Wolverhampton	O'Neill	Singh

54/12 **Governance of the Authority 2012/13**

The Authority considered a report on governance of the Authority for 2012/13. The report set out draft terms of reference for committees and panels; member role descriptions; a calendar of meetings for the year; and the Members' Allowances Scheme.

It was proposed to establish a Scrutiny Committee in 2012/13 which would take on the performance management functions formerly carried out by the Audit and Performance Management Committee, as well as delivering the scrutiny function which would inform policy development, hold officers and the Service to account, and conduct

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reviews into specific issues. Scrutiny review reports would be reported to the Executive Committee. Lead Members would no longer be appointed as their monitoring role would be carried out by the Scrutiny Committee.

It was also proposed to dis-establish the Member Development Working Group and to include member development within the functions of the Executive Committee.

There were no further substantive changes to the Authority's governance arrangements.

The Members Allowances Scheme had been amended to take account of proposed changes in the governance arrangements and changes in legislation. In the light of the decisions taken by the Authority to rationalise travel and subsistence allowances paid to officers (Minute No. 45/12 – 16 April 2012) it was also proposed in future only to pay travelling allowances to elected members in respect of travel for approved duties outside the West Midlands county area. Changes to special responsibility allowances as a result of introducing scrutiny arrangements in place of lead member roles would produce savings of at least £4,150 per annum.

The current scheme also provided for an annual increase in members' allowances in line with agreed pay awards to the local government service in April 2009, 2010 and 2011. There had been no local government pay award in 2010/11 or 2011/12 and members' allowances had not therefore been increased. Arrangements would normally be put in train at this time for a review of the members' allowances scheme by an independent remuneration panel. In view of the financial situation it was proposed to defer any action on this review and to review the situation in 12 months' time.

Resolved:-

- (1) that the constitution and terms of reference of committees and panels, as set out in Appendix 1 and 2, be approved;
- (2) that member role descriptions as set out in Appendix 3 be approved;
- (3) that the calendar of meetings for 2013/2013, as amended and as set out in Appendix 4, be approved;

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- (4) that the Members' Allowance Scheme for 2012/13, as set out in Appendix 5, be approved;
- (5) that there will be no increase in members' allowances in 2012/13 by way of indexing or otherwise;
- (6) that in the light of the current financial situation, no action be taken for the time being with regard to convening an independent remuneration panel to review the members' allowances scheme and that the situation be reviewed in 12 months' time;
- (7) that financial provision in the region of £10k be made available from existing resources for the purpose of buying in additional support as and when required in connection with scrutiny reviews;
- (8) that the Clerk be authorised to make any necessary consequential amendments to constitutional documents in the light of decisions made with regard to the governance arrangements for 2012/13.

55/12 **Political Balance and Membership of Committees 2012/2013**

The Authority considered the constitution and political balance of Committees and the assignment of members to committees, panels and working groups for 2012/2013.

The Authority was advised that the term of office of the independent member of the Audit Committee expired at this meeting. A Government consultation was currently underway on the future of local public audit which contained proposals to increase the number of independent members on audit committees.

In previous years two independent members had been appointed to the Standards Committee. The Localism Act 2011 had implemented changes to the standards framework, and independent members of the Standards Committee had been replaced by an 'independent person'. It was proposed to invite the independent members of the Committee to remain as advisers to the Committee.

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Resolved:-

- (1) that the term of office of Mr M Ager, independent member on the Audit Committee [without voting rights], be extended by one year to expire with the Annual Meeting of the Authority in June 2013;
- (2) that Mr David Denny and Mr Colin Topliss, former independent members of the Standards Committee, be invited to remain as advisers to the Committee;
- (3) that the constitution and political balance of the committees, panels and working groups established under Minute No 54/12 above, as set out in Appendix 6, be approved for the period ending with the annual meeting of the Authority in 2013;
- (4) that the nominees of the following representative bodies serve on the Joint Consultative Panel, without voting rights, for the period ending with the annual meeting of the Authority in 2013:

Fire Brigades Union – two representatives
Fire Officers Association – one representative
UNISON – one representative
Association of Principal Fire Officers – one representative.
- (5) that members and substitute members be appointed to committees and panels for the period ending with the annual meeting of the Authority in 2013 as indicated in Appendix 6;
- (6) that the appointment of Chairs and Vice-Chairs of committees and panels for the period ending with the annual meeting of the Authority in 2013 be approved as indicated in Appendix 6.

56/12 **Delegations to Chief Officers**

The Authority considered the list of matters reserved to the Authority and powers delegated to Chief and Statutory Officers. It was proposed to make an amendment to enable the Chief Fire Officer to determine acting up arrangements in respect of the post of Deputy Chief Fire Officer.

Resolved that the list of matters reserved to the Authority and powers delegated to the Authority's Chief and Statutory Officers, as now amended and set out in Appendix 7, be approved.

57/12 **The Localism Act 2011 – Implementing the New Standards Framework**

The Authority considered a report setting out the changes brought in by the Localism Act 2011 (the Act) and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to the framework of regulation of standards of conduct for elected and co-opted members. The Act had abolished the national regulator, the national code of conduct and statutory standards committees. The Act placed a general obligation on the Authority to promote and maintain high standards of conduct by members and co-opted members and to adopt a code of conduct. The code would also make provision for the registration and disclosure of interests.

The report outlined the provisions of the new legislation in respect of the disclosure and registration of members' interests; withdrawal from meetings where there was a conflict of interest; arrangements for investigation and making decisions on allegations of breaches of the code of conduct and the role of the 'independent person' whose views had to be sought and taken into account before the Authority made a decision on an allegation of breach of the code of conduct.

There was no requirement under the legislation to have a standards committee but it was recommended that a Standards Committee be retained. The Committee would be subject to proportionality.

The former Standards Committee and the Policy Planning Forum had considered the impact of the new arrangements and the consensus was that the Authority should adopt a code which did not

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go beyond the legal requirements, based on the excellent past record of the Authority on standards matters.

Resolved:

- (1) that the new Code of Conduct attached as Appendix 8 be approved;
- (2) that the Monitoring Officer be instructed to recommend to the Authority a Standing Order which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a disclosable pecuniary interest except where permitted to remain as a result of the grant of a dispensation;
- (3) that the Independent Person(s) appointed by Sandwell Metropolitan Borough Council be appointed by the Authority and used in relation to alleged breaches of the Code of Conduct;
- (4) that a new Standards Committee be established with effect from 1st July 2012 to comprise six elected members and two observers as set out in Appendix 6 hereto, and that the Chair be elected at the first meeting of the Committee;
- (5) that the terms of reference for the new Standards Committee be adopted as set out in Appendix 9;
- (6) that the arrangements for dealing with standards allegations at Appendix 10 be adopted for addressing Code of Conduct complaints and any necessary investigations;
- (7) that the sanctions for any breaches by a Member of the Code of Conduct as set out at Appendix 11 be agreed;
- (8) that the Clerk and Monitoring Officer be authorised to make any necessary changes to any related constitutional documents, to reflect the decisions of the Authority on the above recommendations.

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58/12 **Appointment of Representatives to Serve on Other Bodies**

The Authority considered the appointment of representatives to serve on other bodies during 2012/2013.

Resolved:

- (1) that the appointments of representatives to serve on other bodies as set out in Appendix 6 be approved;
- (2) that the Chair (Councillor Edwards) (or his nominee) be authorised to exercise the Authority's Corporate Vote at the Local Government Association General Assembly and that the Authority's General Assembly votes be allocated in accordance with proportionality of the Association.

59/12 **Member Attendance at Conferences, Seminars and Visits**

The Authority considered a report setting out the arrangements for authorising attendance at conferences, seminars and visits.

Resolved that the events for 2012/2013 set out in Appendix 12 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.

60/12 **Governance Statement 2011/2012**

The Authority considered its Governance Statement for 2011/2012.

The Statement was based on an ongoing process designed to identify and prioritise the risks to the achievement of policies, aims and objectives and to evaluate the likelihood of those risks being realised, the impact should they be realised, and to manage them efficiently, effectively and economically. The Statement had operated throughout the year ended 31st March 2012 and up to the date of the approval of the annual report and accounts.

The 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 could therefore only provide reasonable and not

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absolute assurance of effectiveness.

The approved Statement would be signed by the Chair, the Chief Fire Officer, the Clerk and Monitoring Officer and the Treasurer.

Resolved that the Authority's Governance Statement for 2011/2012 be approved, subject to the addition of a statement indicating that in the event of a possible 27% cut in grant funding in 2012/14 and 2014/5, the Authority would have difficulty in delivering an efficient and effective fire service and there would be an increase in risk for the communities of the West Midlands.

61/12 **Monitoring of Finances**

The Authority noted a report on the monitoring of finances to the end of May 2012.

62/12 **Fire Capital Grant Funding Bids**

The Chief Fire Officer reported that the Department of Communities and Local Government (CLG) had recently introduced new arrangements for National Fire Service Capital Funding. Part of the funding would in future be allocated from an efficiency fund, administered as a capital grant via a bidding process. The remainder would be allocated via a pro rata distribution. Bids for grants from the efficiency fund for 2013/14 and 2014/15 had to be submitted by 2 July 2012. A number of proposed bids were submitted for consideration.

Resolved that bids be submitted to CLG for capital grant from the efficiency fund in respect of the following schemes:

Fire Station Merger [Halesowen and Cradley Heath area]
Brigade Response Vehicles
Low Risk Flexible Crewing.

63/12 **Results of Recent Fire Safety Prosecutions**

The Chief Fire Officer reported on two successful prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

A prosecution had been brought in respect of the Connaught Hotel, 38 Tettenhall Road, Wolverhampton, following a fire in October 2007. The company owning the premises was found guilty in February 2012 of 12 offences including serious offences that could have put employees and relevant persons at risk of death or serious injury. The company was fined £3,000 per offence and ordered by the court to pay costs of £43,933.50. The company had served notice of its intention to appeal against the conviction and sentence.

A prosecution had also been brought in respect of a house in multiple occupation at 261-263 Slade Road, Erdington, for failure to comply with a notice prohibiting using the premises for sleeping and failure to provide adequate fire alarms. At a hearing in February 2012 the owner of the premises pleaded guilty to the offences and was sentenced to 6 months imprisonment on each count, to run concurrently, suspended for 12 months. He was also ordered to carry out 180 hours community service and to pay £17,000 in costs.

64/12 **Update on Fire Control Collaboration with Stoke on Trent and Staffordshire Fire and Rescue Authority**

The Chief Fire Officer reported on work taking place between this Authority and the Stoke on Trent and Staffordshire Fire and Rescue Authority on a collaborative fire control solution. It was proposed to deliver improved resilience, enhanced technology and efficiencies through a shared service approach. The work was being progressed through a joint project team overseen by a Fire Control Project Governance Board comprising members from each Authority.

The Department of Communities and Local Government (CLG) had invited bids from fire authorities to support collaborative work on a fire control solution. A joint bid of £4.1m was submitted and CLG awarded a grant of £3.6m which was consistent with the allocation of £1.8m to each fire authority nationally. CLG had been asked for feedback on the reduced award, and a joint interest had been registered in accessing any underspend in the allocated national budget.

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As a result of the reduced award it had been necessary to prioritise project outcomes. Detailed plans and milestones were being prepared to progress the project which would operate via a number of workstreams.

65/12 **Minutes of the Audit and Performance Management Committee**

The minutes of the meeting held on 11 June, 2012 were received.

66/12 **Minutes of the Executive Committee**

The minutes of the meetings held on 8 May and 11 June 2012 were received.

67/12 **Notes of the Policy Planning Forum**

The notes of the meeting held on 11 June 2012 were received.

68/12 **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 Part I of Schedule 12A to the Local Government Act, 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to the financial or business affairs of any particular person (including the authority holding that information); any action taken or to be taken in connection with the prevention, investigation or prosecution of crime; and 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.

69/12 **Action of the Chair and Vice Chair**

The Chief Fire Officer and Clerk and Monitoring Officer reported on action taken by the Chair and Vice Chair to authorise the instigation of legal proceedings for failure to comply with the Regulatory Reform

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(Fire Safety) Order 2005.

70/12 Cradley Heath and Halesowen New Fire Station Project

Further to Minute Nos. 33/12 and 46/12 (16 April 2012) the Chief Fire Officer reported that appraisal of four potential sites for the new build fire station to serve the communities of Cradley Heath and Halesowen had been carried out. The results of the appraisals were submitted for consideration. A preferred option was identified (Site 3).

The total capital cost of the project was estimated to be £4m for which a capital bid would be submitted to the Department of Communities and Local Government. If the bid was not successful in part or whole, funding would need to be identified from the Authority's Capital Programme, part of which could be met from capital receipts generated from the disposal of the existing fire station sites.

A full equality impact assessment had been carried out and had not identified any significant adverse impact upon the personal characteristic groups.

Resolved:

- (1) that planning permission be sought for the construction of a new multi-bay fire station on Site 3;
- (2) that subject to (1) above, the purchase of Site 3 be approved;
- (3) that engagement take place with the local community in relation to the design of the new fire station;
- (4) that in order to expedite the project, the Executive Committee be authorised to approve the design features of the new fire station.

71/12 **Corporate Board Restructure**

The Chief Fire Officer submitted proposals for the restructuring of the Corporate Board in the light of the current financial situation and the desire to make the Service more efficient through the Building upon Success programme. A review of roles and responsibilities had been carried out with members of the Corporate Board which had informed the revised structure now submitted for consideration.

It was proposed to transfer Information and Computer Technology and the Transport and Engineering Workshops to the Director of Finance and Resources who would be renamed Director of Resources. The Strategic Planning Improvement and Risk Team would move to the Technical and Operational Support Department. Following the setting up of the trading company all business services would be consolidated under the control of the Deputy Chief Fire Officer, who would also have line management responsibility for the other Directors. The administration function would transfer to the Human Resources Department and this enable the deletion of the post of Director of Corporate Services from which savings would accrue in future years.

The pay and grading structure for the Corporate Board had been approved in 2008. However, an anomaly in relation to the level of remuneration of the post of Director of Finance and Procurement had been identified in 2008 but had not been addressed to date.

If the new structure was approved it was proposed to carry out a review of the middle management structure.

The post of Deputy Chief Fire Officer was currently vacant and would be covered by an existing temporary third Assistant Chief Fire Officer post until such time as the appointment was made.

Resolved:

- (1) that the revised structure for the Corporate Board, as set out in Appendix 13, be approved;
- (2) that the deletion of the post of Director – Corporate Services be approved;
- (3) that the evaluation of the anomaly in relation to the

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remuneration level of the Director – Resources be authorised.

(Meeting ended at 12.10 pm)

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