



Overview & Scrutiny Committee

Date: Tuesday 12 September 2017

Time: 10.00 am **Public meeting** Yes

Venue: Sandwell Council House, Oldbury, West Midlands, B69 3DE

If you have any queries about this meeting, please contact:

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SUPPLEMENTARY AGENDA

No.	Item	Presenting	Pages
Meeting Business Items			
6.	West Midlands Fire and Rescue Authority - Transition to West Midlands Combined Authority	Karen Gowreesunker	1 - 38

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WEST MIDLANDS
COMBINED AUTHORITY

Overview and Scrutiny Committee

Date	12th September 2017
Report title	Mayoral WMCA Governance of West Midlands Fire Service
Portfolio Lead	Andy Street - Mayor
Accountable Chief Executive	Phil Loach Chief Fire Officer Email phil.loach@wmfs.net Tel 0121 380 6909
Accountable Employee	Karen Gowreesunker Email karen.gowreesunker@wmfs.net Tel 0121 380 3338

Recommendation(s) for action or decision:

The Scrutiny Committee is recommended to:

1. Note the proposals contained in appendix 1 regarding the future governance of West Midlands Fire Service.
2. Note the timeline and legislative process to enabling this change.

1.0 Purpose

- 1.1 On the 8th September the WMCA Board will be considering for approval the next steps in progressing Mayoral WMCA governance of West Midlands Fire and Rescue Service (WMFS).
- 1.2 These proposals have set out broad roles, responsibilities and accountabilities of this new governance structure.
- 1.3 The scrutiny committee has requested an update regarding this change in governance of WMFS.

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2.0 Background

- 2.1 On the 8th September the WMCA Board will have considered the Mayors report attached at Appendix 1.
- 2.2 This report sets out the next steps in enabling a transfer of governance of WMFS to the Mayoral WMCA. The report asks for approval of the development of a governance review and scheme for consultation and sets out the model of governance proposed to form part of the governance review.

9.0 Appendices

Appendix 1 – WMCA Board Report 8th September, Mayoral WMCA Governance of WMFS



WMCA Board Meeting

Date	8 th September 2017
Report title	Mayoral WMCA Governance of West Midlands Fire Service
Portfolio Lead	Andy Street - Mayor
Accountable Chief Executive	Phil Loach, Chief Fire Officer to West Midlands Fire and Rescue Authority Email phil.loach@wmfs.net Tel 0121 380 6909
Accountable Employee	Karen Gowreesunker Email karen.gowreesunker@wmfs.net Tel 0121 380 6678
Report to be/has been considered by	Programme Board 25 th August

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

1. Agree to the development of a Governance Review and Scheme to consider whether the proposed roles and functions of West Midlands Fire and Rescue Authority (WMFRA) for West Midlands Fire Service (WMFS), should be transferred to the Mayoral West Midland Combined Authority.

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2. Note a proposed future model of Mayoral WMCA governance for WMFS.
3. Note the process and legislative route required to enable the transfer of WMFRA functions to the Mayoral WMCA and the indicative timescales
4. Receive a further report on the outcome of the consultation of the Governance Review and scheme for consideration later this year.

3.0 Purpose

- 3.1 The purpose of this report is to seek support from the WMCA regarding the next steps in progressing the Route to Mayoral WMCA Governance for West Midlands Fire Service.

4.0 Background

- 4.1 During May 2016 the Secretary of State set clear expectations for the reform of the fire sector focusing on collaboration, governance and transparency in decision making as well as clear workforce transformation
- 4.2 This direction, along with the move of the fire sector to the Home Office in January 2016 and the Policing and Crime Bill consultation, set a clear signal for further reform and change ahead for the fire sector. One significant change being the reform of fire and rescue authorities as governing bodies for the future.
- 4.3 The need for a change in governance was first acknowledged by WMFRA in response to the consultation in respect of the Policing and Crime Bill, now the Policing and Crime 2017 Act. This Act seeks to enable police and crime commissioners, where local agreement can be achieved, to take over governance of Fire Services.
- 4.4 Recognising the pending change, WMFRA embraced an early position which would enable it to understand the best approach to governance for the future. To support this a Future Governance Working Group FGWG (the Group) was commissioned during April-July 2016, incorporating a wide stakeholder group from across the West Midlands and an Independent Chair. Its focus was to understand the current and future potential for the delivery of collaborative services, the key outcomes these would need to deliver to local communities and then appraise possible governance structures to determine which would provide the most value.
- 4.5 The appraisal of each governance option was considered against a range of agreed outcomes, the most important of these identified as value for money, public safety and collaboration. These align to the expectations set by government for public services and importantly for the reform of blue light emergency services.
- 4.6 The options appraisal recognised both strengths and opportunities for each of the governance options considered as well as possible barriers and risks to

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progressing. The analysis undertaken by the group found that:

'a two-stage process (two changes in governance, i.e. from Authority to PCC, then to Mayor) increases costs, risk and reduces benefits and as such should be avoided.'

'The Mayor will happen and this will create opportunity in improving public services. WMFRA need to ensure they remain engaged in this to ensure the best opportunity for the delivery of outcomes for the future'

- 4.7 The Groups outcomes and conclusions are detailed in Appendix 1.
- 4.8 With a building base of evidence to support decision making WMFRA undertook a public consultation during December 2016 to January 2017. This consultation sought public and partner opinion regarding the future strategy to deliver risk based services across the West Midlands. To enable understanding and transparency, the consultation asked questions regarding services delivered, as well as how the Authority may be both funded and governed in the future.
- 2.8 From a governance perspective the outcomes identified a Reformed Fire Authority and Mayoral Combined Authority as 'desirable' options for the future governance of WMFS.
- 2.9 Accepting the outcomes of both the Group and public consultation, considering these against the Strategy of WMFS, the priorities of the WMCA and the expectations of government, the route to future Mayoral WMCA governance was agreed by WMFRA on the 20 February 2017.
- 2.10 Throughout this period the WMCA has developed built a successful relationship with WMFS and WMFRA. This has been achieved through focused WMFS officer commitment and leadership across Public Service Reform and the Multiple Complex Needs work streams, as well as WMFRA becoming an observer on the WMCA
- 2.11 This continued involvement with the WMCA has provided a developed understanding of how the future governance of WMFS, can add value not only to the delivery of WMFS priorities and strategic direction, but also to the wider priorities of the Mayor and WMCA in delivering improved community outcomes.
- 2.12 This vision for the governance of WMFS recognised the changing nature of public services across the West Midlands and particularly, the progression of the WMCA and pledge of an elected Mayor for the region. The strategy of the WMFRA and development of services then and for the future, provided more effective alignment to the vision for the WMCA.
- 2.13 This triggered significant engagement with WMCA Chief Executives and Leaders with the support for this proposed change in governance being agreed at WMCA board on the 3rd March 2017, following approval of the overall direction and timeline for future governance of WMFS by WMFRA on the 20th February 2017. The WMCA report is detailed in Appendix 2.

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- 2.14 The reports and the decisions set out a comprehensive evidence base for this change in governance. This has incorporated a rigorous appraisal process for each of the possible options for future governance of WMFS via the independently chaired Group, engagement with a wide stakeholder group, as well as a public consultation exercise.
- 2.15 The proposed change in governance for WMFS to a Mayoral WMCA model incorporates an interim move to a Reformed Fire Authority. This proposal which is currently in the initial stages of review by the Home Office will, if agreed, be implemented no later than June 2018. This will create a signal for future change and the process of reviewing the internal structures of governance for the future.
- 2.15 A Mayoral WMCA governance model provides huge opportunities for the joint transformation of public services to West Midlands communities, through increased collaboration enabled by an integrated service delivery model, aligned to the outcomes of public safety, value for money and collaboration. Further details of benefits to this approach are outlined in section 5.
- 2.16 A model of Mayoral WMCA governance for a Fire and Rescue Service is very new. It is clear however from the evidence base delivered thus far, that there is support for this model across the West Midlands. This includes continued support from WMFRA for the changes proposed in this report.
- 2.17 Changes emerging in Greater Manchester and those legislated for in London, provide examples of how Mayoral models for governance for Fire and Rescue Services are developing. Government expectations centre on increased collaboration, greater accountability and continued reform to deliver better outcomes to local communities. This approach to refining governance to enable joined up services that deliver and improve delivery of shared objectives and outcomes, will place the West Midlands ahead of these changes.
- 2.18 Clear and transformational leadership across the West Midlands will ensure the continuation of the progressive process of devolution of funding and powers as set out in the WMCA first devolution agreement, to achieve the right outcomes for the communities of the West Midlands.

3. Current approach to governance

- 3.1 WMFRA was created as a joint authority, in 1985 as the governing body for WMFS. WMFRA is accountable to the community for the services provided through the Integrated Risk Management Plan and its three year rolling Corporate Strategy, 'The Plan'. WMFRA also approves the budget for WMFS in the delivery of these services.
- 3.2 WMFRA is the employer of all WMFS staff and owns all properties, rights and liabilities.
- 3.3 WMFRA has ultimate responsibility for decision making on policy and delegates decisions to committees such as Executive, Scrutiny and Audit. Operational responsibility rests with the Chief Fire Officer. This enables a progressive approach to the development of policy and ongoing delivery of services aligned to The Plan.

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- 3.4 WMFRA delegates the control of all operations of WMFS as required by the Fire and Rescue Services Act to the CFO. This includes, “*day to day operations concerned with maintaining operational effectiveness and the deployment of resources both physical and employees*”.
- 3.5 The CFO is responsible for the management and development of all staff to enable the delivery of services.
- 3.6 A more detailed breakdown of current roles and responsibilities of the WMFRA is provided in Appendix 3.

4. A Mayoral Governance Model

- 4.1 The evidence base built through the Group and WMFRA public consultation along with the developing strategy of WMFRA and WMCA has considered a number of possible governance options. As a result the Mayoral WMCA governance model was identified as providing the most benefit and opportunity for future delivery of services.
- 4.2 It is clear that any future model of Mayoral governance should seek to involve and engage members of the Mayoral WMCA. This will ensure roles and responsibilities are positioned in such a way as to enable effective and efficient operation of fire and rescue functions, as well as wider delivery of Mayoral and WMCA priorities. This section sets out proposals for a possible governance model through the appointment of a ‘Mayoral Fire Advisory Committee’ (the committee).
- 4.3 In this model it is proposed the WMCA own WMFRA functions on transfer of governance (listed in 4.4 below) and as such the WMCA will be the employer of WMFS staff and will own all properties, rights and liabilities. The WMCA as a ‘corporate body’ will have the right structures in place to support the requirements of employer status, as well as any liabilities that result from this.
- 4.4 The Mayor (only) will have the power to ‘exercise’ these fire and rescue functions and the ability to delegate decision making and operation of functions, as appropriate. The essential roles, responsibilities and accountabilities of Mayoral WMCA governance, should incorporate functions transferred to the Mayoral WMCA, but exercised only by the Mayor. Broadly these functions are as follows:
 - Fire and rescue functions as required of the Fire and Rescue Service Act 2004 and other enabling legislation.
 - Decisions and functions relating to all properties, rights and liabilities in relation to the exercising of fire and rescue functions
 - Accountability for the Integrated Risk Management Plan
 - Accountability for the Corporate Strategy
 - Approval of Budget and setting of precept
 - Appointment and dismissal of the CFO
- 4.5. With this model the Mayoral Fire Advisory Committee and CFO could provide the roles as set out below in paragraphs 4.6 and 4.7. How these roles and

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responsibilities can sit within the wider proposals as part of the whole governance framework, is outlined in Appendix 4.

4.6 A proposed Mayoral Fire Advisory Committee

1. *Enable leadership for WMFS and Mayoral priorities across each of the 7 local constituent authorities of the WMCA.*

It is proposed that the committee reflects the membership and balance of membership derived from the approved arrangements for the West Midlands Reformed Fire Authority. This will enable proportionality across each of the local authorities, as well as enabling continuity and equitable spread in roles and responsibilities.

Lead members will represent the priorities and strategy of the Mayor and WMFS in their respective local authorities and will report on performance in relation to fire functions.

Lead members will also support their local stations in engaging with the community and through providing a link into respective local authorities.

2. *Keep under review decisions made by the Mayor*

It is proposed that the WMCA delegate the role of reviewing decisions made by the Mayor to the committee. Such reviews will be aligned to the National Framework for the Fire and Rescue Service and through prepared reports, will inform the WMCA about decisions made in relation to the exercising of fire and rescue functions. This will enable a continuation of knowledge and expertise in relation to fire at the outset of transferring the role of fire into the Mayoral WMCA.

3. *Act as the 'voice' of the fire service within the 7 Local Authorities, regionally with other Fire and Rescue Services, nationally through the National Joint Council and Local Government Association.*

Providing support and advice to the Mayor through engagement with these national bodies to support delivery of services locally, as well as influencing and developing approaches nationally.

4. *Lobby the government on behalf of the Mayor in matters such as the impact of CSR on the ability to provide continuity of services to the West Midlands communities.*

Working regionally and nationally with the Fire Sector to lobby on issues such as flooding, funding, etc.

5. *Aligned to all the roles above and scrutiny, advise the Mayor on matters relating to the exercising of functions*

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6. *Enable the development of partnerships and services to the community through local authority engagement*

4.7 CFO/Officer roles

This model will enable the Mayor to delegate functions to the CFO enabling the CFO to be directly accountable for:

- the management of the Fire Service
- the delivery of WMFS Strategy (incl. matters relating to exercising functions of the fire and rescue services act, etc.)
- the delivery of a staffing structure and model which supports current and future Strategy
- the deployment of resources to meet risk
- the transformation of services to meet WMFS and Mayoral/WMCA priorities.

- 4.8 The above areas of accountability would enable the CFO and officers to effectively manage staff, employee relations, workforce development, resources and assets to support the delivery of day to day functions, as well as the development of future delivery of services aligned to the strategy agreed with the Mayor.
- 4.9 The proposed role of the committee would be to report back to the Mayoral WMCA on decisions made.
- 4.10 This proposed model seeks to create an efficient and effective decision making structure, which will support the Mayor in focusing on strategy and setting direction for WMFS.
- 4.11 This proposed model compares favourably with the model recently implemented in Greater Manchester. The model for London which is yet to be implemented is different in that the London Commissioner role also acts as the governing body. It is understood that the scrutiny role of the Greater London Assembly can in the case of fire be delegated to its fire committee

5. **How can the region benefit from a change in governance model?**

- 5.1 Governance delivered through the Mayoral Combined Authority will deliver a stronger focus on collaboration across the region providing a joined up strategic approach, which is key to the WMFRA's strategic direction and delivery of its Service Delivery Model. The opportunities the WMCA could present to broaden and strengthen the delivery of collaborative prevention and protection based services, was recognised as part of the options appraisal undertaken by the Group (cited in section 2). This is based on the strong track record WMFRA currently has in collaborating with Local Authorities and other agencies to deliver joined up services which focus on reducing vulnerability and creating stronger communities. An example of this can be seen in the leadership role WMFS is currently providing to the Multiple Complex Needs work stream and through the CFO for Public Service Reform.

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To support this there needs to be clear and effective governance arrangements in place aligned to the Mayoral WMCA, with a strong strategic focus to deliver the best outcomes for the West Midlands.

5.2 **A workforce to support joined up services and reduce vulnerability**

The strategy of WMFRA is 'Making the West Midlands Safer, Stronger and Heathier'. The integrated Service Delivery Model (SDM) and five minute attendance standard relies on an essential combination of resources and skills, provided through a whole-time multi skilled workforce delivering prevention, protection and response services. This is currently enabling a wider delivery of services to those most at risk. For example, the timely attendance of telecare falls, preventing deterioration of vulnerable people who have fallen in their homes. This provides the opportunity for safe and well checks to be carried out to ensure the individual is safe, thereby reducing cost and pressures on Local Authority and NHS services.

5.3 These services do not just focus on the potential causes of fire and safety issues but WMFS staff are trained to identify and address the wider health and/or lifestyle issues which pose as risks for further emergency incidents.

5.4 Under a Mayoral WMCA governance arrangement promoting greater collaboration, benefit will be leveraged through WMFS interventions that further target these activities and reduce vulnerability. This can be achieved through better sharing of data, joined delivery of services, reducing the spend on costly services, thereby addressing needs of both vulnerable and business communities. This has the potential to deliver significantly improved value based outcomes to communities through a more joined up workforce.

5.5 **Continued improvement and transformation**

It is clear that as funding for public services continues to reduce, there will be a need to further reform services, which stretch to deliver across local public services rather than reform in silo. As indicated in 5.4 this has to deliver value to local communities, but should also provide value to public spend.

5.6 WMFS has delivered service transformation and embraced plans since 2010 to meet a circa 50% (£38m) reduction in central government grant over the course of the Comprehensive Spending Review (CSR) covering the period 2011/12 to 2019/20. Despite this WMFS has maintained its commitment to the delivery of its integrated SDM and continued reform.

5.7 Capacity has increased and costs have reduced across the Service making it one of the leanest Metropolitan Fire and Rescue Services in the country. This scale of reform has been achieved through working with the Authority, staff, representative bodies, partners and communities, implementing innovative concepts to new ways of working, which have enabled efficiencies to be achieved whilst maintaining and improving services delivered to local communities.

5.8 This service transformation continues as WMFS seeks to understand how future services can be delivered in a more efficient and effective way, whilst ensuring public safety is clearly met through the right mix of resources to risk.

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5.9 Being part of the Mayoral WMCA will create further opportunities to progress transformation and create greater efficiencies enabled through a single structure. The Group identified the potential for efficiencies across all the governance models which were appraised considering opportunities such as (but not restricted to) emergency planning, shared estates, data sharing. The Mayoral WMCA was considered to provide most opportunity to realise these benefits, as the possibilities for integration across services and functions is wider.

5.10 **Effective decision making**

A model which enables accountability and leadership to be aligned effectively will enable transparent and effective decision making and reduce bureaucracy, through the committee the philosophy of collective representation across all seven constituent authorities will remain. The Mayoral WMCA will provide a visible, stable and statutory body for WMFS.

5.12 **Fire sector reform**

Increased integration and greater collaboration across public services is a key expectation of the government, particularly in the reform of Fire and Rescue Services and Authorities. The government's commitment to this and 'single accountability' across public services, provides a sound rationale for the benefits of transferring the governance of WMFS from the WMFRA as proposed to a Mayoral WMCA. As discussed throughout this section this change could enable more value to vulnerable communities through the delivery of joined up services across the West Midlands.

6. **Changing governance - emerging Mayoral governance arrangements**

6.1 The proposed model set above in section 4, reflects how many regions across England are building on government expectations (for the reformation of public services to achieve greater value for money in the delivery of service to the community), through the creation of Combined Authorities and more recently elected Mayors, to support further devolution of money and powers from central government.

6.2 These changes have presented opportunities for the Fire and Rescue sector in regions where devolution exists. This can be seen in both the London and Greater Manchester arrangements, where the governance of the Fire and Rescue Service for each area has, or will transfer to a Mayoral model.

6.3 Both these models present quite different approaches to the role which undertakes the governance functions of the Fire and Rescue Authority. Both these models however, provide for political representation and essential scrutiny and advisory functions. Further detail around these models, differences, advantages and disadvantages is set out in appendix 5a and 5b.

7.0 **The legislative route to enabling Mayoral governance**

7.1 The main pieces of legislation enabling the Mayoral WMCA to enact a change in governance can be listed as follows:

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- The Local Democracy, Economic Development and Construction Act 2009 and
- The Cities and Local Government Devolution Act 2016
- The Policing and Crime Act 2017 (PACA)

7.2 The preferred route to achieve Mayoral governance of WMFS is through the Cities and Devolution Act 2016. This legislation enables the WMCA and Mayor to take on additional functions, either local authority and/or other public authority functions. This route will enable, through a devolution deal, the powers and functions of WMFRA to be devolved to the Mayoral WMCA and exercised only by the Mayor.

7.3 The justification and evidence base to support this route will be provided for through a governance review and scheme, which will be consulted upon and approved locally prior to being submitted to government. The statutory process is detailed further in section 7.

7.4 Process and timeline:

The following timeline demonstrates the next steps and stages required to effect the change in governance as outlined in this paper. The timeline is indicative but it is envisaged that Mayoral governance could be implemented within a 15-18 month period. It should be noted that if the transfer of WMFRA functions to the WMCA were to be achieved within this period, the WMFRA and WMCA may consider the move to a Reformed Fire and Rescue Authority as unnecessary. It is proposed that progress against the timeline is monitored effectively to gauge this position by the end of the 2017 calendar year.

8th September 2017: WMCA approve the Governance Review and for a Scheme to be developed.

September 2017: development of governance review and scheme, which will consider the business case for the change in governance.

October - November 2017: Constituent Authority approval of content of governance review and scheme.

8th December 2017: WMCA approval of content of Governance Review and Scheme.

January – February 2018: Consultation of proposals set out in the scheme on behalf of the Secretary of State (6 weeks min)

March 18: Analyse consultation responses locally

April 18: Governance Review, Scheme and analysis of consultation reviewed by Secretary of State (4-12 weeks)

May - June 18: Government development of Order detailing changes required in legislation to abolish WMFRA and amend legislation to enable future Mayoral WMCA governance

July - September 18: Constituent Authority/ CA approval of detail of Order

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September - October July 18: Order amended where needed locally enters Parliamentary Process

November 18: Secretary of State approves Order

November/ December 18: WMFRA functions can transfer to the WMCA

8.0 Financial implications

8.1 The cost of preparing the Governance Review will be delivered primarily through WMFS. Support will also be provided from the WMCA Legal section. The cost of this will be met from within existing approved budgets.

8.2 Future reports will detail any additional costs that will need to be met

9.0 Legal implications

9.1 The legal implications are largely set out in this report

9.2 The process for devolving further powers to the WMCA is laid down in statute referenced in 7.1 above. The proposals in this report will meet the government's expectations that all Fire and Rescue Services will consider one of the alternative routes leading to reform.

10.0 Equalities implications

10.1 An equalities impact assessment will be undertaken as part of the governance review.

11.0 Schedule of background papers

[WMFRA response to the Enabler Closer Working Between the Emergency Services Consultation – the prelude to the Policing and Crime Bill \(October 2015\)](#)

[WMFRA Integrated Risk Management Plan Public Outcomes Report \(20 February 2017\)](#)

[WMFRA report: 'Route Map to Mayoral Governance' \(20 February 2017\)](#)

[WMFRA report – 'Route map to Mayoral West Midlands, Combined Authority Governance - a Reformed Fire Authority \(RFA\) and decision \(10 April 2017\)](#)

12.0 Appendices

Appendix 1: The Future Governance Working Group conclusions

1. There is no “stand out” option, but the analysis suggests that a two-stage process increases costs, risk and reduces benefits and as such should be avoided. There is considerable potential change in the next year or so:

- PCC business cases
- The development of the Combined Authority model in Manchester and London
- The programme of the Mayor and the WMCA Route Map to Mayoral Governance Report
- Additional Devolution deals

The WMFRA needs to ensure it continues to engage with stakeholders to ensure it can fully consider its position and the options available to it.

2. The Working Group found that there was enthusiasm and commitment from other organisations for collaboration. The Service has made great progress over recent years, and the working group felt that the Authority would benefit from considering its constitution and structure and how it might change enable further collaboration.

3. The Mayoral and WMCA model is just emerging and the first Mayor is yet to be appointed, so there is as yet lack of clarity about its programme. However, change with a new Mayor will happen and this will create opportunity in improving public services. The WMFRA need to ensure that they remain engaged in this to ensure the best opportunity for delivery of outcomes for future.

4. If a mayoral option is not available in the medium term for police or fire, then the options would need re appraised to ensure the benefits of collaboration across the emergency services and wider public services are realised.

5. The Bill does not enable governance changes with the Ambulance Service which may prevent full collaboration to be realised as well as the benefits from this.

6. Ambulance sits outside of governance analysis however the opportunities for collaboration are significant

7 A Fire/Fire combination would realise significant benefits at lower risk than other options. This would require local consensus and a formal business case, approved by the Home Office. The

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associated Council tax consequences, and any boundary issues would need to be considered.

8 The PCC model is relatively new but is having an impact on Police effectiveness. Although there would be some risk associated with the Fire/Police combination, there could be significant cost benefits.

Appendix 2



Board Meeting

Date	Insert date: 3 March 2017
Report title	Route Map to Mayoral WMCA Governance
Cabinet Member Portfolio Lead	Councillor Bob Sleigh – Chair of the WMCA
Accountable Chief Executive	Phil Loach, Chief Fire Officer, West Midlands Fire Service Email: phil.loach@wmfs.net Tel: 0121 380 6909
Accountable Employee	Karen Gowreesunker Email: Karen.Gowreesunker@wmfs.net Tel: 0121 380 6678
Report to be/has been considered by	Programme Board, WMCA Board Meeting

Recommendation(s) for action or decision:

The Combined Authority Board is recommended to:

1. Support the strategy proposed in this paper concerning the reform of the West Midlands Fire and Rescue Authority (the Authority), namely the route required for the Mayoral West Midlands Combined Authority (WMCA) to assume governance of West Midlands Fire and Rescue Service (the Service) from the Authority.

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2. Support the outcomes, purpose, approach and timeline as set out in this paper.

5.0 Purpose

5.1 This report proposes that:

- 1) The route and approach required for the Mayoral WMCA to assume governance of the Service is supported and incorporated into any further devolution discussions.

This will accord with Home Office expectations regarding accountability and improved scrutiny in governance arrangements, as well as measuring the outcome of current and future service delivery to the communities of the West Midlands and beyond.

- 2) Consultation with the WMCA and the elected Mayor will be commenced to reform the Authority, to provide a more streamlined and flexible arrangement as an interim measure, until such date as is reasonably practicable for the functions exercisable by the Authority to become functions of the Mayoral WMCA.

6.0 Background

6.1 The Service's Approach to Service Transformation

6.2 The Authority has fully supported service wide transformation and has embraced plans to meet the circa 50% (£38m) reduction in central government grant (core) over the course of the Comprehensive Spending Review (CSR) covering the period 2011/12 to 2019/20.

6.3 Ongoing transformation over the past 6 years has impacted on both service support and service delivery functions. The Service has met the required reductions in funding through exploring and implementing more challenging and innovative approaches to the delivery of internal and external community facing services. Whilst the Service has had to make decisions that have increased risk in some areas of response, prevention and protection, these have been assessed through an evidence based approach, using Integrated Risk Management Plan (IRMP) analysis to minimise the impact on services to the community.

6.4 Service transformation in this way reinforces the Services' priorities and outcomes as set out in its 3 year rolling corporate strategy, The Plan 2016-19 (the Plan). The Service Delivery Model (SDM) sits at the heart of The Plan, underpinned by planning and analysis that determines the level of resources needed to be able to respond to high risk (life and property) incidents, within a risk based 5-minute attendance standard. This attendance standard evidentially enables the Service to reduce risk to firefighting and increase the survivability of the victim, as well as reducing the impact of fire on the local community and economy.

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6.5 The SDM, underpinned by analysis and planning and is pivotal to supporting an integrated approach to the delivery of the Service's prevention, protection and response services to the communities of the West Midlands. Amidst the challenges that the CSR presents to the Service, the SDM cannot be compromised.

6.6 Delivering Service Transformation

6.7 Since the beginning of the CSR the Service has worked alongside staff, representative bodies, partners and communities to implement changes which have delivered public service transformation. Through innovation and reform new concepts and ways of working have been introduced. This has led to efficiencies and just as importantly, to the maintenance and improvement of services to the communities especially the most vulnerable.

6.8 Management reviews of the corporate team have enabled the Service to downsize and reorganise its management structure, whilst creating a much leaner and more accountable approach to leadership. As a result, the Service has realised savings of approximately £1.5 million per year.

6.9 Across service delivery the Service will have reduced its whole-time front line firefighting staff by 25% by May 2017, to 1433 since the CSR began. The SDM and the delivery of a 5-minute attendance standard relies on a front line resource of 1322 firefighters. This reduction in resources, driven by the need to meet reducing budgets, presents a risk to the delivery of services to the community. This has been met through more innovative approaches to the flexible deployment of front line resources, such as introducing a blended fleet of vehicles crewed at different levels, a new staffing model designed to address the gap in numbers of fire fighters and the use of dual staffing to crew specialist vehicles.

6.10 Such flexibility comes attached with additional risks in relation to the impact on services to communities, partner relationships and employee engagement. The Service has managed, controlled, mitigated and where possible removed these risks through effective and robust planning, change management, leadership and communication.

6.11 Service Support functions have and continue to undergo rigorous review to improve efficiency and effectiveness whilst seeking opportunities to develop collaborative working with other partners. The number of service support staff has reduced by circa 20% by January 2017 since the CSR began to 442.

6.12 The Authority is set to undergo further cuts to core funding of approximately £10 million over the four-year period 2016/17 to 2019/20. This means that by 2019/20, core funding will have reduced by approximately £38 million since the cuts began in 2011/12. This represents an unprecedented reduction, taking total cuts in core funding to circa 50% in this nine-year period.

6.13 Delivering Services Differently

6.14 By garnering a deep understanding of risk and vulnerability the Service has sought to tackle the 'causes of the causes' and integrated the findings of Sir Michael

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Marmot's Review and the six Marmot policy objectives, as a baseline for delivering all community services and protecting the most vulnerable communities and individuals.

- 6.15 Over the past 18 months the Service has developed a 'commissioned' approach to maintaining the SDM whilst delivering wider prevention based services. This approach has seen the implementation of two Falls Response services across Coventry and Wolverhampton, with services extending to Dudley in the near future. In addition, the Service is currently providing a Hospital Discharges trial in Coventry. By extending its prevention based services to support the wider priorities of the 7 WMCA Constituent Local Authorities and the NHS, not only supports the maintenance and improvement of the SDM; but also supports its priorities in: Making the West Midlands Safer, Stronger and Healthier.
- 6.16 Collaboration across a range of partners is at the heart of services delivered both nationally and to local communities. The Service benefits from positive collaborative relationships with a number of emergency and public sector services. Some examples include: Joint Emergency Services Interoperability Programme (JESIP), West Midlands Police (WMP) – Fire Investigation and a joint Fire Control with Staffordshire Fire and Rescue Service. This particular area of collaboration has resulted in £1.5 million joint savings per year, with a joint saving of £11.6 million projected to 2020.
- 6.17 The Service is committed to collaboration which extends wider across the emergency services and other agencies (such as the NHS, Local Authority and the third sector). This will enable the achievement of better joint outcomes aligned to The Plan, designed to improve outcomes for local communities in a more efficient and effective way, such as, enhancing independent living for the most vulnerable and supporting economic growth through strategic regulation.
- 6.18 This commitment can be seen in how the Chief Fire Officer (CFO) and other officers have engaged, as key stakeholders and service delivery providers to 7 Local Authority Constituent Members, with the WMCA from its shadow stages through to inception. Initially this was through the Public Sector Leadership Board and more recently by establishing the Authority as an 'Observer' through the WMCA Board and the Programme Board.
- 6.19 This engagement has provided the Authority and the Service with an invaluable opportunity to develop the understanding of the WMCA, around the merits of a 21st century metropolitan fire and rescue service and the benefit it's integrated, flexible, service delivery model has on the wider footprint and priorities of the WMCA.
- 6.20 On behalf of the WMCA the CFO leads on the Public Service Reform (PSR) and Multiple Complex Needs Individuals (MCN) work programme. This represents a clear signal and acknowledgement that through its experience, brand and skills, WMFS can lead and support these wider agendas.
- 6.21 **Improving Performance**

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6.22 Despite these challenges there has been improvement in the performance of the Category 1 (5 minute) attendance standard for the highest risk incidents (life and property). During 2015/2016 achievement of this attendance standard performed positively throughout the year, with a median attendance of 4 minutes 42 seconds in the last two quarters of the year. This is the best performance seen in several years.

6.23 **The Future for Fire**

6.24 It is clear there have been significant challenges for the Fire Service over the last 10 years, both financially throughout the CSR period and policy making with reviews such as those conducted by Sir Ken Knight, (Facing the Future 2013), and Adrian Thomas (Independent review of conditions of service for fire and rescue staff in England February 2015). These reviews continue to set the backdrop for the reform of the Fire and Rescue sector as is reflected in the Home Office's policy development. However, they have been less challenging for the Service because it has and remains a public service committed to efficient and effective delivery.

6.25 On the 11th September 2015 the Government released a consultation entitled 'Enabling Closer Working between the Emergency Services'. This was followed by a move of government department for the Fire and Rescue Service on the 5th January 2016, from the Department of Communities and Local Government to the Home Office. The fire reform programme has also encapsulated the Chief Fire Officers' Association (CFOA) with the Home Office steering its priorities. The outcomes to the above consultation introduced the Policing and Crime Bill, which received Royal Assent in January 2017 (the Act 2017) and proposes a new duty to collaborate on each of the blue light emergency services, as well as new powers for Mayors and PCCs to take on the governance of Fire and Rescue Services.

6.26 The statement by the then Home Secretary, Theresa May, on the 24th May 2016 outlined a clear desire from central government to affect a change, which will create an impetus for further reform wider than the delivery of services - reform for Fire and Rescue Authorities. The government and Home Office are committed to implementing governance structures which provide more scrutiny, transparency and accountability of decision making.

6.27 **Changing Governance and Future Opportunities**

6.28 In view of the national policy developments the Authority recognised that staying the same was not an option. The Authority recognised that there are four possible routes for potential future governance structures for the Service:

- A Reformed Fire Authority (RFA),
- A Police and Crime Commissioner (PCC),
- A Mayor as part of the WMCA and and/or
- A Combination of regional Fire Services.

A more detailed description of each of these governance models is provided in Appendix 1.

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- 6.29 Governance through a PCC or a Mayor as part of a Combined Authority are the main options being proposed by Government through the PACA 2017. However, the Home Office and the former Minister of State for Policing and the Fire Service, Mike Penning, confirmed there would not be a single governance approach for all Fire and Rescue Services and that a combination of regional fire services would be considered as a possible structure, as would the continuation of Fire Authorities.
- 6.30 **WMFRA commitment to future governance**
- 6.31 In view of Home Office expectations around the reform of the Fire Service developing apace, the Authority has considered how it works with, responds to, and influences the changes. As the Government pushes forward local devolution and public sector reform, the Authority has acknowledged that failure to address this could cause the Service to lose relevance, credibility and impact public confidence (an emerging corporate risk) from the uncertainty around the future governance of the Service, with the potential to impact on the priorities in The Plan.
- 6.32 The Authority committed itself to exploring an evidence based approach to understanding how each of the future governance options (in light of the changing external influences highlighted in this report), may support the delivery of services to local communities, whilst incorporating increased scrutiny, transparency and accountability of decisions; in a value for money way.
- 6.33 For this purpose, the Authority commissioned a Future Governance Working Group (the Group). The outcomes of the Group were to provide an options appraisal for the Authority, to be able to make an evidence based decision, on the best option for governance for the Service in the future and the best approach to achieving this.
- 6.34 **The approach to assessment:**
- 6.35 Initially the Group considered how collaboration currently exists as well as the potential for the provision of future collaborative services across blue light emergency services, Local Authorities, WMCA and NHS. A critical part to this was the impact this would have on the community and the ability to deliver public service priorities across the West Midlands.
- 6.36 As a result of this work the Group agreed a set of high level community outcomes against which each of the governance models were assessed. The Group undertook an options appraisal to assess the achievability of these outcomes, against the merits of each of the four governance options. This provided an evidence base to the Group's conclusions and a way of provoking debate about the relative merits of the options. (The Group conclusions can be found in Appendix 2).
- 6.37 **The Direction for the Future Governance of the Service**
- 6.38 The Authority has been clear in its intention to seek alignment to a Mayoral WMCA governance model. The Authority believes that this route provides the best approach for the future delivery of the services delivered to the communities of the West Midlands.

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- 6.39 The options appraisal undertaken by the Group together with the outcome of the recent WMFRA public consultation, the current and future strategic directions of the Service, the WMCA and the overall direction set by the Government (both policy and legislation), reinforces the overall direction the Authority seeks for the future governance of the Service through the Mayor as part of the WMCA. All these provide an evidence base for the recommendations within this report.
- 6.40 There are emerging models in London and Manchester as to potential pathways. The Authority maintains its belief that given that the Service is the largest and most complex Fire and Rescue Service outside of London. Direction through a Mayoral WMCA arrangement as part of devolution represents the most logical and efficient route to achieve sustainability of and improvements in the SDM, whilst also seeking to support and deliver against wider public service priorities. These complexities were recognised by Adrian Thomas, who was commissioned by Government to review the conditions of service for fire and rescue staff (Independent review of conditions of service for fire and rescue staff in England, February 2015).
- 6.41 Public safety in its widest context can be enhanced through better collaboration delivering better integrated services in a value for money way across the West Midlands area, without adding pressure to the public purse. The Service leading on PSR and MCN as key elements of the WMCA devolution deal highlights the clear benefits a 21st century professional, flexible, integrated SDM can bring to the wider public services.
- 6.42 A critical element to a change in governance to a Mayoral WMCA will be the interim governance arrangements in continuing to provide the highest levels of public safety, supporting increased collaboration, without the associated costs an unnecessary change governance option would incur; as well as the risk of impact on engagement with staff, community and trust. The Authority believes that a Reformed Fire Authority (RFA) option can provide a more robust interim approach to governance. A RFA was a key consideration of the Group. In its conclusions the Group determined that, 'the Authority should consider how its own governance should change, to enhance opportunities for further reform and collaboration'.
- 6.43 The proposals within this paper include the reform of the Authority to enable a more streamlined and flexible arrangement to a Mayoral WMCA. A RFA would maintain proportionality across the West Midlands, reflect changing approaches to governance and include invitations for non-executive membership to enhance collaboration, scrutiny, accountability and transparency to improve outcomes for the community.
- 6.44 The Mayoral WMCA provides a governance option for the Authority that converges with government policy regarding governance and accountability. Despite this, the Chair and CFO maintain regular discussion with all partners, which enables a continued approach to collaboration with partners.
- 6.45 The IRMP Consultation:**
The Services' engagement with the community as part of the Integrated Risk Management Consultation (the Consultation) revealed the route to a Mayoral

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WMCA to be amongst the popular options, as was a RFA ('highly desirable') and Combined Fire Services for best supporting the delivery of its prevention, protection and response services to the communities of the West Midlands.

7.0 Progress, options, discussion, etc.

7.1 THE WAY FORWARD:

7.2 Legislation enables a change in governance

7.3 The main pieces of legislation (and draft legislation) enabling the Mayoral WMCA to enact a change in governance have been captured in this report and can be listed as follows:

- The Local Democracy, Economic Development and Construction Act 2009
- The Cities and Local Government Devolution Act 2016, and
- The Policing and Crime Act 2017 (PACA)

7.4 This translates into 3 possible routes of governance:

- a. The Cities and Devolution Act 2016 enables the WMCA and Mayor to take on additional functions which may be either local authority or other public authority functions.
- b. The PACA enables the PCC to make a business case to take on the governance of the Service where this can be locally agreed.
- c. The PACA also enables the Mayor to take on the governance of the Fire Service, again where locally agreed.

7.5 As referenced earlier in this report the Authority has been clear in its intention to seek alignment to a Mayoral WMCA governance model. The route to a Mayoral WMCA will impact a number of pieces of legislation affecting both governance and services delivered.

7.6 The impact of the change on the Constitution and the liabilities for the Mayoral WMCA:

7.7 With the proposed changes in governance for the Service, the current Authority will cease to exist and a new model will be enabled. Currently there are two Mayoral governance models emerging such as:

- the London Mayor and the London Fire Commissioner (LFC) and
- Greater Manchester Combined Authority (GMCA) and Mayor

Each model will represent different approaches to the discharge of statutory responsibilities and liabilities.

The categories below are amongst the most pertinent responsibilities and liabilities and their discharge will be dependent on the governance model adopted in the West Midlands:

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- functions relating to statutory plans (the IRMP),
- the budget and the setting of the council tax precept
- People
- Assets, and
- Procurement

The responsibilities as set out in the following pieces of legislation will need to be transferred on abolition of the Authority.

- **Local Government Act 1985**

The Authority as it stands was legally created under the LGA 1985, which created joint fire authorities and stipulated the number of Members appointed from constituent councils to the Fire Authority (27). Section 34 also sets out the annual appointment of the Chair, Vice Chair and Clerk. The responsibilities as set out in this Act including their transfer will depend on the governance model adopted for the future provision of community services.

- **The Local Government Act 1972**

This Act requires the appointment of a Chief Finance Officer (section 151 Officer) in addition to the appointment of such officers as the Authority thinks necessary for the proper discharge of its functions. Under this Act the Authority may also acquire, appropriate or dispose of land/and or premises. Further, the Authority is permitted to make standing orders in respect to the making of contracts by them or on their behalf (subject to relevant procurement legislation). The responsibilities set out in this Act will depend on the governance model adopted.

- **Local Government and Housing Act 1989**

This Act requires the designation of one of WMFS's officers as Head of Paid Service (the Chief Fire Officer) and outlines the specific responsibilities of this role. It also stipulates the requirement to appoint a Monitoring Officer. The responsibilities for the appointment of the Head of Paid Service will be transferred to the Mayoral WMCA for discharge, subject to the detail set in the Scheme and the WMCA's Constitution. The requirement to appoint a Monitoring Officer will depend on the governance model adopted.

7.8 **Impact on services:**

7.9 There are a number of core service activities delivered by the Service that are prescribed under legislation, assurance for which is provided through the Authority. These responsibilities will need to be transferred to the Mayoral WMCA for discharge. The most pertinent legislative provisions are:

- **Fire and Rescue National Framework for England**

As a requirement of the Fire and Rescue Services Act 2004, the Government published the Fire and Rescue National Framework setting out the priorities and objectives for Fire and Rescue Authorities in England. FRA's must have

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regard to it in carrying out their duties. The Framework places responsibility on Fire and Rescue Services to prepare an Integrated Risk Management Plan (IRMP). The plan must include targets and objectives for reducing risks, balancing prevention and intervention, and determining response standards and resource allocation. In West Midlands this is called The Community Safety Strategy. The CFO will manage and advise the Mayoral WMCA on the IRMP, the Mayoral WMCA will approve plans.

- **The Fire and Rescue Services (Emergencies) (England) Order 2007**

Section 58 of the FRS Act 2004 specifies other emergencies for which fire and rescue authorities must make provision. These are set out in the above Order 2007 and specifies functions in connection with emergencies involving chemical, biological, or radio-active contaminants, structural collapse or a train, tram or aircraft (“transport emergencies”), but does not apply in relation to transport emergencies, unless the incident is likely to require a Fire and Rescue Authority to use resources beyond the scope of its normal day to day operations.

In addition, where a Fire and Rescue Authority has specialist resources, including specialist trained personnel, to enable it to deal with emergencies of a kind described in this Order, and such an emergency occurs or is likely to occur in the area of another Authority; this Order requires the Authority with the specialist resources, if asked to do so, to use those resources in that other Authority’s area so far as is reasonable for the purpose of dealing with the emergency. The CFO will manage the configuration of the resources as part of day to day business, however, the Mayoral WMCA will retain oversight and be able to provide time critical resilience to emergencies on a regional and national scale.

- **Regulatory Reform (Fire Safety Order) 2005**

This places emphasis on business continuity and containing and preventing the spread of small fires. It provides a minimum fire safety standard in all non-domestic premises. It designates a person (e.g. employer, manager or owner) as a responsible person who is then required to carry out certain fire safety duties, which include ensuring that general fire precautions are satisfactory and that fire risk assessments are conducted.

Fire Authorities are the primary enforcing agencies for all fire legislation in non-domestic use. The Authority has delegated the power to prosecute to the Chief Fire Officer. However, the Mayoral WMCA will retain oversight.

- **Civil Contingencies Act 2004**

The Civil Contingencies Act 2004 delivers a framework for civil protection. It establishes a statutory framework of roles and responsibilities for local responders; of which the Authority is one, and on emergency powers, establishing a framework for the use of special legislative measures that might be necessary to deal with the effects of the most serious emergencies. The Act also divides local responders into two categories. The Fire Authority is a

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Category 1 responder. This means that it is at the core of emergency response. Upon transfer of governance the CFO will continue to manage operational handling and the Mayoral WMCA will retain oversight.

7.10 The process and timeline:

7.11 The Home Office have clearly stated the intentions around Fire Service reform. Whilst accepting that a great deal of self-initiated reform has already taken place, the expectation has been set that change will impact on fire services, as well as their governing bodies.

7.12 In support of these expectations the introduction of the Act 2017 and developing approaches to devolution across the country, has set the vehicle for change.

7.13 On the 4th May 2017 the West Midlands will be electing a Mayor to the WMCA, which presents an opportunity for the Authority to work with the WMCA to determine the future approach to governance of the Service.

7.14 The Authority seeks to move under the Mayoral WMCA model at the earliest possible opportunity. It is anticipated that following the election of a Mayor the earliest opportunity for the Mayoral WMCA to assume governance of the Service would be around May 2018. It is also anticipated that this change would be enabled through the inclusion of the Service in the second devolution deal, which is due to be presented to Government at the end of March 2017. A change in governance to a Mayoral WMCA model would follow a period of government consultation and decision making, local consultation as well as the development of a scheme to enable this change to be affected.

7.15 There will be an initial three year term for the Mayor from May 2017 to May 2020 at which point Mayoral elections will take place. The PCC also has a mandate until 2020.

7.16 The Authority believes that enabling this change in governance at the earliest opportunity is necessary, to ensure that outcomes for local communities can be delivered in the most efficient and effective way, whilst simultaneously enhancing public safety and delivering improved collaboration across public services within the West Midlands.

7.17 A key point to consider, as highlighted earlier, is the introduction of the new PACA 2017, which enables the PCC to develop a business case for the Service.

7.18 Proposed changes in governance to a Mayoral WMCA will need to or will have navigated through some key milestones:

i) The Authority's approval – 20th February 2017

The Authority has approved the strategy to pursue the route to a WMCA Mayoral model for future governance of the Service and has approved the instigation of the process to reform itself.

ii) WMCA Board – 3rd March 2017

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The Authority will need to secure the approval of the WMCA Board in order to form part of the formal discussions for further devolution deals.

iii) **Further Devolution – March 2017**

Once the WMCA Board has confirmed its intent to include the transfer of the Service as part of its devolution discussions, the WMCA will need to begin discussions with HM Government over further devolution in March 2017 and if agreed, it will form part of the second devolution deal. The inclusion of the Fire Service in the second devolution deal will be critical to enabling the required change in governance to a Mayoral WMCA at the earliest opportunity (May 2018).

iv) **Governance Review, Scheme and Consultation – July to September 2017**

A Governance Review, Scheme and Consultation would enable the transfer of governance for the Service to the Mayoral WMCA by way of an Order. The Scheme would set out how the Mayoral WMCA's powers are to be exercised in relation to the Service.

It is envisaged that the public consultation would begin in July 2017 and last for up to eight weeks, after which time it will proceed to the Secretary of State, who will draft the required Order based on the above. The draft Order will require approval by all Constituent WMCA Councils. It is envisaged that the transfer of powers would take 12 months to complete from the signing of the second devolution deal. It is estimated that this would take us to March 2018. At this point the responsibilities and liabilities of the Authority would transfer in accordance with the governance model adopted.

- v) The Service would then become incorporated into the WMCA and this would warrant a review of its current Observer membership status to reflect its engagement.

7.19 The RFA will be enabled irrespective of a timeline to a Mayoral WMCA. The proposed changes will need to navigate through some key milestones:

i) **The Authority's approval for a Reformed Fire Authority**

The Authority has approved the commencement of the dialogue around the process to reform the Authority.

ii) **Consultation**

The Authority will begin consultation with the WMCA who will be asked to commence this reform process with a view to introducing the Mayor to the dialogue following his/her election, this will be achieved via a report to the WMCA Board on 3rd March 2017. Consultees will also include the Home Office and other key stakeholders. It is envisaged that the public consultation would last for up to eight weeks.

iii) **Secretary of State Order**

On the conclusion of the consultation the matter will proceed to the Government, who will draft the Order based on the above reform of the

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Authority. The Authority's Constitution, subject to amendments, would set out how the Authority's power is to be exercised in relation to the Service.

- iv) The Service would then become incorporated into the WMCA at the earliest possible time and in line with Mayoral milestones.

8.0 Financial implications

8.1 There are no direct financial implications at this early stage, however, it is recognised that further reports will be required as this proposal evolves which will highlight any financial implications if and when identified.

8.2 It is important to note that should the West Midlands Fire and Rescue Service be incorporated into the governance of the WMCA, the ability to set council tax precept relating to the Fire service should transfer to the Mayor.

9.0 Legal implications

9.1 The legal implications are set out in the body of this report. Further legal resources will be required to manage the work required around the drafting of the Order to be undertaken in consultation with the Secretary of State and in relation to the amendments required to the Constitution of WMCA.

10.0 Equalities implications

10.1 There are no direct equalities implications at this stage, however, it is recognised that further reports will be required which will highlight any implications if and when identified.

7.0 Other implications

7.1 There are no other direct implications at this early stage, however, it is recognised that further reports will be required which will highlight any implications if and when identified.

8.0 Schedule of background papers

8.1 West Midlands Fire and Rescue Authority: Route Map To A West Midlands Combined Authority Mayoral Governance Report, 20.02.17

West Midlands Fire and Rescue Authority: Future Governance of West Midlands Fire Service, 27.06.16

West Midlands Fire and Rescue Authority: WMFRA Response to the Enabling Closer Working Consultation between Emergency Services, 23.10.15

9.0 Appendices

Appendix 1: The Governance Models

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Appendix 2: The Group's Conclusions

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Appendix 3 – Current governance framework for WMFRA

CURRENT WMFRA MODEL – ROLES & RESPONSIBILITIES

WHAT DOES THIS

MEAN? HOW IS THIS ENABLED?

<p>West Midlands Fire and Rescue Authority (WMRA) 27 councillors proportionality representing 7 local authorities. Model based on Section 41 – lead member principles</p>	<ul style="list-style-type: none"> • Governance (supervisory body) for WMFS • Accountable for ‘fire and rescue’ functions – FRS Act 2004: • Approve the Integrated Risk Management Plan (N.Framework)* • Approve the Corporate Strategy* • Approve budgets * • Raise council tax precept (1.99%) • Owns all properties, rights and liabilities, including employment contracts • Appointment of Principal & Statutory officers • Lead members enable Local Authority representation • Regional and national (LGA/NJC) rep • Lobbies government - AMFRA 	<ul style="list-style-type: none"> • WMFRA is responsible for employing staff, owns all assets and is liable for all civil/criminal action. • WMFRA is accountable to the communities for services provided as set out in the Fire and Rescue Services Act and other enabling legislation • WMFRA collects council tax contributions from local authorities 	<p>Officers prepare and present the IRM and Corporate Strategy for Authority approval Officers prepare and present all financial, property and asset plans for Authority approval Officers manage all activity to ensure services are delivered as set out in enabling legislation Officers line manage all employees & employee/management relationships through employee relations framework</p>
<p>Committees Councillors undertake delegated responsibilities</p>	<p>Audit – governance, risk management and financial control Scrutiny – inform policy development and scrutinise performance Executive Committee – urgent matters, approve procurement over £250k Plus: Appeals, appointments, standards</p>	<p>Committees provide delegated roles on behalf of the WMFRA. Both Audit and Scrutiny are ‘statutory’ roles. Scrutiny is an important element of ‘good governance’ in ensuring robust frameworks are in place</p>	<p>Executive arrangements have reduced and now hear urgent matters & scrutiny outcomes. Scrutiny supported by officers to enable an effective approach to reviews.</p>
<p>Chief Fire Officer/Officers Delegated responsibilities Accountable to WMFRA</p>	<p>Control of all matters relating to administration of WMFRA functions under fire and rescue services act & other legislation - firefighting, fire safety, road traffic collisions, emergencies, civil contingencies, MTF, National Resilience.</p>	<p>Decision making to enable operational effectiveness through the right:</p> <ul style="list-style-type: none"> • Allocation of resources • People • workforce development <p>To enable delivery of the SDM & WMFRA strategy</p>	<ul style="list-style-type: none"> • line management of staff • development of staff • Day to day varying deployment of resources to meet risk • Effective varying of staffing structure and SDM to match resources to risk • Advises WMFRA on exercise of fire and rescue functions

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Appendix 4 – Proposed Future Governance Framework for Mayoral model

ROLES & RESPONSIBILITIES

WHAT WILL THIS MEAN?

Mayor
Single elected
accountable figure

Mayoral WMCA
(governing body)

- Governance (supervisory body) for WMFS
- Exercises (only) all 'fire and rescue' functions – FRS Act 2004:
- Accountable for the:
 - Integrated Risk Management Plan (N.Framework)*
 - the Corporate Strategy – The Plan*
 - Budgets (Capital and revenue)*
- Raises precept
- Responsible for Senior & Statutory Officer appointments

- Owns all **functions**, properties, rights and liabilities, including employment contracts of WMFS staff

- The WMCA owns all properties rights and liabilities of the former WMFRA and all functions
- The WMCA employ all staff including the CFO
- The Mayor **only** can exercise all fire and rescue functions and can delegate these to a committee and/or officers. other than* functions
- The Mayor is accountable figure to the communities for services provided, as set out in the Fire and Rescue Services Act and other enabling legislation
- The Mayor provides strategic policy direction
- The Mayor oversees the efficiency and effectiveness of WMFS

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Fire Committee
(Scrutiny and
advice to Mayor)

- Leadership for WMFS priorities across seven local constituent authorities
- Enabling development of local authority and health care partnerships
- **Scrutiny and audit functions - i.e. reviewing decisions made against the local risk plan and the corporate strategy (statutory functions)**
- Enabling regional fire and local government relationships
- Lobbying functions with other FRSs through AMFRA
- A voice and representation within LGA and NJC working with alongside NFCC
- Ceremonial support for Mayor for WMFS

The committee has clear delegations around scrutiny of CFO and Mayor decisions, providing reports to the Mayor.
Performs audit functions perhaps for short to medium term. WMCA would take this on
Supports the Mayor both locally and nationally as the 'voice' for Mayoral fire functions

Chief Fire Officer/Officers
Accountable to the
Mayor

- Accountable for:
- the delivery of WMFS Strategy (incl. matters relating to exercising functions of the fire and rescue services ac, etc)
 - the delivery of a staffing structure & models supporting current and future Strategy
 - the deployment of resources to meet risk
 - the transformation of services to meet WMFS and Mayoral/WMCA priorities.

- Accountability for the delivery of Strategy and Integrated Risk Plan enabled through robust decision making at the right level. Delivering operational effectiveness through the right:
- Allocation of resources
 - Recruitment and management of staff
 - workforce reform & development

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Appendix 5a – Mayoral Governance Models for Fire and Rescue Services

London arrangements: The Mayor of London already provides a role for oversight of the current London Fire and Emergency Planning Authority (LFEPA). The new London Mayoral model which is created by the Policing and Crime Act 2017, places responsibility for the governance of the London Fire Brigade with the London Fire Commissioner (LFC), transferring the functions of the LFEPA to the LFC. This role will also be the Chief Fire Officer for the Fire Brigade.

The detail around this model is still emerging and a 'scheme of supervision' is currently being created to ensure the Mayor is able to hold the LFC to account for the exercise of functions.

A 'fire, resilience and emergency planning committee' was constituted on the 3rd May 2017 and is intended to provide a scrutiny function to the LFC on behalf of the Mayor.

Manchester arrangements: The Manchester Mayoral model created through the Cities and Devolution Act 2016, transfers the governance of the Fire and Rescue Service and the functions of the previous Fire Authority, to the Greater Manchester Combined Authority (GMCA). However these functions are only exercisable by the Mayor. The transfer of these functions took place on the 8th May 2017.

The Mayor is able to delegate to both the CFO and a 'fire committee'.

A 'fire committee' is provided for within the order that created the fire function within GMCA, The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017. The role of the fire committee is not set out in this order and but is in the early stages of being developed.

What are the differences?

The London model places accountability for governance, delivery of fire and rescue functions and services, the ownership of assets and employment of staff on the LFC role. This role will also be the CFO for the Fire Service.

The scrutiny role enabled through the 'fire, resilience and emergency planning committee' is essential for this model.

The Manchester model enables the responsibility for the delivery of services, the ownership of assets and employment of staff to be spread. Whilst the GMCA employs staff and owns assets, the Mayor is accountable for the exercising of 'fire and rescue' functions. The Mayor can delegate some functions to a deputy, committee and the CFO.

The advantages of the LFC model will be that there is clarity in roles and responsibilities around decision making concerning the management of fire service resources and in particular the development of the workforce. The accountability of the LFC will enable a progressive and agile approach to the transformation of workforce and services delivered to local communities.

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The LFC holds a great deal of accountability and liability within a 'Corporation Sole' model which will present risks. It is assumed that whilst this model is now legislated for, there is still some detail being worked out as progress to implement has so far been deferred.

The Manchester model retains accountability for decision making with the Mayor. These decisions can be delegated to a committee or to the CFO. There will need to be clear delegations between the roles of the GMCA, Mayor, Committee and CFO, to ensure that the fire service is able to maintain operational effectiveness and transform services through effective decision making. The committee model offers additional political support to the Mayor, informed advice and guidance and maintains a clear connection through lead members with each of the local authorities in the region.

There remains within each model, essential scrutiny functions.

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Appendix 5b – Comparison of London and Manchester models

This comparison seeks to clarify the differences between the governance models of Manchester Fire and Rescue Service and London Fire Brigade. The Manchester model is now in place but in its infancy, the London model is not as yet and there are elements to both which are still emerging and developing.

	London Fire Brigade to London Fire Commissioner	Manchester Fire and Rescue Service to Greater Manchester Combined Authority
	<ul style="list-style-type: none"> The Policing and Crime Act 2017 (PACA 2017) 	<ul style="list-style-type: none"> The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (S.I.2017/469) The Greater Manchester Combined Authority Order 2011 (S.I.2011/908)
What are the Fire Authority functions and how has/will this change?	<p>The London Fire and Emergency Planning Authority (LFEPA) is the Fire Authority for London Fire Brigade.</p> <p>This is to be abolished by the above Act and its functions are to be transferred to the London Fire Commissioner (LFC). These are the 'fire and rescue' functions and passes responsibility for providing fire services to the Mayor from October 2017 (though date tbc by Parliament). The PACA 2017 requires the London Assembly to arrange for those functions granted to it by Schedule 2 of that Act to be discharged on its behalf by a particular committee, proposed to be known as the Fire, Resilience and Emergency Planning Committee. Source: https://www.london.gov.uk/moderngov/documents/g6205/Public%20reports%20pack%20Wednesday%2003-May-2017%2010.00%20London%20Assembly%20Plenary.pdf?T=10 (p.28)</p> <p>This change is due to take place in April 2018</p>	<p>The Greater Manchester Fire and Rescue Authority (GMFRA) have been abolished.</p> <p>The functions of the GMFRA are transferred to Greater Manchester Combined Authority (GMCA) under the above 2017 order. This took place on the 8th May 2017. GMCA will employ staff and own assets.</p> <p>The 'fire and rescue' functions of the GMCA may only be exercisable by the Mayor. These relate to the ability to vary staff and resources to enable the delivery of services.</p>
Body corporate	The LFC will be a 'corporation sole' and all proprieties, rights and liabilities of the LFEPA will transfer across to this role.	The GMCA is a 'body corporate' and all proprieties, rights and liabilities of the previously GMFRA, transfer across to the combined authority.
What are the Mayors responsibilities	<p>The Mayor:</p> <ul style="list-style-type: none"> appoints the LFC can dismiss the LFC 	<p>The Mayor:</p> <ul style="list-style-type: none"> Is responsible for exercising all fire functions under the Fire and Rescue Service Act 2004

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<p>and what can be delegated?</p>	<ul style="list-style-type: none"> • sets the terms of employment for the LFC • will hold the LFC to account for the exercise of the Commissioner’s functions. • approves the local risk plan and the LFC’s corporate strategy. • Can guide and/or direct the LFC in his/her functions <p>The Mayor is not responsible for the functions of the FRS Act 2004. This is the responsibility of the LFC and as such all decisions relating to the delivery of services and employment of staff rest with the LFC</p>	<ul style="list-style-type: none"> • appoints and can dismiss the manager of the FRS (the CFO) • sets his / her terms of employment. • Will hold the CFO to account • approves the local risk plan, the corporate strategy and civil contingency arrangements. • Delegates roles and responsibilities to the CFO <p>the Mayor as the governing body is responsible for functions under the FRS Act 2004? If so this needs adding here as it provides an important distinction to London.</p>
<p>What responsibilities can the Mayor delegate?</p>	<p>The Mayor may delegate responsibilities to a Deputy Mayor for Fire.</p> <p>The Greater London Assembly must also receive the local risk plan and corporate strategy.</p> <p>The Assembly must arrange for its responsibility to be discharged by a “Fire and Emergency Committee” (the Committee).</p>	<p>Members and officers of the GMCA may assist the Mayor in the exercising of fire and rescue functions.</p> <p>The Mayor may delegate the exercising of fire and rescue functions to a ‘Fire Committee’, except for those set out above.</p>
<p>What does the committee do?</p>	<p>The Fire, Resilience and Emergency Planning Committee, will provide scrutiny of:</p> <ol style="list-style-type: none"> 1. the LFC’s documents (including any revisions) i.e. the local risk plan and the corporate strategy and make recommendations to the Mayor. 2. Review the exercise of functions of the LFC, investigate and prepare reports about any actions or decisions of the London Fire Commissioner, Deputy Mayor for Fire, an officer of the London Fire Commissioner, functions of the London Fire Commissioner and any other matters considered of importance relating to fire and rescue services in Greater London; <p>The committee also has the power to submit proposals to the LFC.</p> <p>Wider powers of the Assembly include the power to call the proposed LFC or Deputy Mayoral candidate to a 'confirmation</p>	<p><i>The actual role of the fire committee of the GMCA fire function is not set out in legislation as it has been for the London model. However, the arrangements highlighted in the above section cannot be delegated. This could create the assumption that the committee would provide a scrutiny or advisory function to support the Mayor in decision making.</i></p> <p><i>Further information is being sought via Manchester Fire and GMCA.</i></p>

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	<p>hearing' following which the committee call the proposed LFC or Deputy Mayoral candidate to a 'confirmation hearing' following which the committee can veto the appointments if unsatisfied.</p> <p>The power to require the Deputy Mayor for Fire, The London Fire Commissioner and any officer of the London Fire Commissioner to attend the Committee to answer questions.</p> <p>A 'scheme of supervision' for the Mayor of London is currently being drafted to enable oversight of the LFC and decision making processes.</p>	
<p>Committee appointments</p>	<p>There are no statutory rules regarding the size of this committee or the number of meetings it must hold. The London Assembly proposed that the Fire Committee should comprise 7 Assembly Members and meet 6 times in a full municipal year.</p> <p>The members term of office is fixed by the Assembly.</p> <p>Membership may be wider than Members of the Assembly (with powers to vote on matters) - procedures for these members yet to be drawn up.</p>	<p>The GMCA Fire Committee will comprise of no more than 15 members.</p> <p>It will consist of 1 elected member from each of the 10 constituent councils.</p> <p>Each constituent council will nominate a member.</p> <p>The Mayor may then appoint 5 or fewer further members onto the Fire Committee, from the elected members of one or more of each of the constituent councils.</p>
<p>Committee composition</p>	<p>Current composition of the Greater London Authority is: Labour Group – 48%, GLA Conservatives Group - 32%, Green Party Group – 8%, UK Independence Party – 8%, Liberal Democrat Group – 4%.</p> <p>The London Assembly, at its annual meeting on 13 May 2016, unanimously agreed to dis apply the strict application of proportionality rules from the establishment of its committees and subcommittees.</p> <p>The Fire Committee may appoint a sub-committee(s) to discharge any of its functions, other than any of the special scrutiny functions. The number of members of any sub-committee and their terms of office are to be fixed by the Fire Committee. Persons</p>	<p>The Fire Committee must reflect as far as reasonably practicable, the balance of the political parties among the constituent councils when appointed to the committee.</p>

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	who are not members of the Assembly may be members of a sub-committee.	
Who will Chair the Committee	The Assembly may determine the Chair (and Deputy Chair (if any)), or otherwise determine that the Fire, Resilience and Emergency Planning Committee is to appoint the Chair (and Deputy Chair (if any)).	The Mayor will appoint a member of the Fire Committee to Chair.
What is the role of the Chief Fire Officer of the Fire Service?	<p><i>As highlighted above the LFC who will be the CFO will take on all functions of LFEPA, including 'fire and rescue' functions. The LFC will:</i></p> <ul style="list-style-type: none"> • <i>Employ all staff</i> • <i>Own all assets</i> <p><i>This provides the LFC with the role and power to decide how staff, equipment and assets will be used to deliver services aligned to the local risk plan.</i></p>	<p>As highlighted above the Mayor can delegate to the CFO. Whilst this model is now in place the delegations to the 'committee' and CFO are yet to be understood.</p> <p>At the very least it is likely that the CFO will be delegated the control of all operations as required under the Fire and Rescue Service Act 2004.</p>

This report is
[NOT PROTECTIVELY MARKED]

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