



West Midlands
Combined Authority

WMCA Board

Date	28 June 2019
Report title	Governance of West Midlands Fire & Rescue Service - Update
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Report has been considered by	Programme Board - 14 June 2019

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- (1) Note that there is not agreement amongst Constituent Councils to provide consent to the Statutory Order; and
- (2) Note that as a result the Draft Statutory Order will not be laid before Parliament.

1. Purpose

The purpose of this report is to:

- 1.1 Provide an update on the position of the proposed transfer of governance of the West Midlands Fire and Rescue Service (WMFS) to the Mayoral WMCA.

2. Background

- 2.1 In March 2017, before the Mayor was elected, the WMCA Board considered a report from the Fire and Rescue Authority and West Midlands Fire and Rescue Service that set out a route map towards Mayoral Combined Authority governance of the Fire and Rescue service. This report set out future governance proposal and opportunities for West Midlands Fire and Rescue Service.
- 2.2 The extensive background to this item is set out in the September 2018 WMCA Board report. The proposed Final Draft Statutory Order from the Home Office was sent out to each Constituent Council, the Combined Authority and West Midlands Fire and Rescue Authority on the 9 January 2019 with a request to provide consent. The proposed Order however contained an amendment that led the Chief Fire Officer to advise that the Order not be consented to on the basis that the change was too significant and compromised the intent of the proposed governance changes.
- 2.2 As a result of this change and the subsequent advice provided by the Chief Fire Officer the Order was not consented to by the Constituent Councils and the WMCA.
- 2.3 A further report outlining proposals to overcome the issues set out above was presented to the March 2019 WMCA Board.
- 2.4 At the March 2019 WMCA Board it was agreed that the Combined Authority consented to the Statutory Order being laid before Parliament and confirmed a commitment to reviewing governance arrangements within the next Mayoral term.
- 2.5 Additionally the Combined Authority set out proposals to build in additional constitutional safeguards intended to provide local solutions to the issues raised by the Chief Fire Officer when previously advising Constituent Councils not to consent to the order. These proposals were developed with West Midlands Fire and Rescue Service.
- 2.6 The timeline from this point onwards required final Consent to be requested from each Constituent Council by the Home Secretary – after which the Order would then be laid before Parliament before receiving final sign off by the Home Secretary.

3. Consent Process

- 3.1 In order for the transfer of the governance of West Midlands Fire and Rescue Service to the Combined Authority to go ahead it requires a unanimous agreement amongst the Constituent Councils and the Combined Authority as each Authority must give their consent to the Home Office for the Order to be laid before Parliament.
- 3.2 A number of Constituent Councils indicated that they would not provide consent to the transfer to go ahead and for the Order to be laid before Parliament because they remained of the opinion that the matters referred to in 2.5 above should be included in the Order not just in the Constitution.

- 3.3 Dudley Metropolitan Borough Council, Solihull Metropolitan Borough Council, Walsall Metropolitan Borough Council and the Combined Authority all provided consent to the Order. Birmingham City Council, Coventry City Council and the City of Wolverhampton Council did not provide consent to the Order. Sandwell Metropolitan Borough Council did not respond to the request for consent.
- 3.4 The implication of the order not receiving unanimous consent from the 7 Constituent Councils has been the Home Office taking the decision to withdraw the order from being laid before parliament, and the proposed transfer of governance of West Midlands Fire and Rescue Service to the Combined Authority cannot proceed as envisaged.
- 3.5 As a result of this decision the Combined Authority has taken the decision to stand down the project team working on the transfer. The governance arrangements for West Midlands Fire and Rescue Service will remain as they currently are, overseen by a Fire and Rescue Authority made up of local elected councillors.
- 3.6 The WMCA and WMFS continue to work closely to explore areas for collaboration and to support delivery of strategic goals around public service reform, public safety, prevention and digital.

4. Financial Implications

- 4.1 The financial implications of the transfer have been set out in previous reports to the Board. Transition costs incurred to 31 March by WMCA are accounted for and were reported in the 2018/19 final outturn report to the authority. No further costs will now be incurred.

5. Legal Implications

- 5.1 The legal implications have been included in previous reports to Board.

6. Equalities Implications

- 6.1 There are no direct equalities implications arising out this report.

7. Inclusive Growth Implications

- 7.1 The inclusive growth implications have been included in previous reports to Board.

8. Geographical Area of Report's Implications

- 8.1 These proposals only have effect within the Constituent Council areas, i.e. the WM metropolitan area.

9. Other Implications

- 9.1 There are no other implications highlighted in regard to this report.

10. Schedule of Background Papers

- 10.1 WMFRA response to the Enable Closer Working between the Emergency Services Consultation – the prelude to the Policing and Crime Bill (October 2015)

- 10.2 WMFRA Integrated Risk Management Plan Public Outcomes Report (20 February 2017)
- 10.3 WMFRA report - 'Route Map to Mayoral Governance' (20 February 2017)
- 10.4 WMFRA report – 'Route map to Mayoral West Midlands, Combined Authority Governance - a Reformed Fire Authority (RFA) and decision (3 March 2017)
- 10.5 WMCA Board (8 September 2017)
- 10.6 WMCA Board – WMFRA Governance Review and Scheme (8th December 2017)
- 10.7 The National Framework for Fire and Rescue Services England 2018
- 10.8 WMFRA report – Widening CFO Accountabilities 16 April 2018
- 10.9 Governance of WMFS Public Consultation Outcomes Report (25 May 2018)
- 10.10 WMCA Board (14 September 2018)
- 10.11 WMCA Board (22 March 2019)

12. Appendices

- 12.1 There are no appendices to this report.