



Briefing Note

Meeting: Overview and Scrutiny Committee

Title: Governance Task and Finish Group – Progress

Prepared by: Councillor John McNicholas (Lead Member)
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1.0 Recommendation

- 1.1 That the Committee note the progress in developing this workstream and provide comments and suggestions for how work may be progressed.
- 1.2 That the Committee delegate authority to the Task and Finish Group, in consultation with the Chair and Vice Chairs, to put forward comments and recommendations to the meeting of the West Midlands Combined Authority Board on 8 December 2017, in relation to the West Midlands Fire Service Governance Review.

2.0 Purpose

- 2.1 To apprise the Overview and Scrutiny Committee of developments and progress in relation to the work of the Governance Task and Finish Group, following the first meeting of the Group on 17 November 2017.

3.0 Background

- 3.1 The Task and Finish Group met for the first time on 17 November 2017 to consider its terms of reference and the scope for its initial piece of work in relation to the transition of West Midlands Fire and Rescue Authority (WMFRA).
- 3.2 In relation to the terms of reference, it was felt that a broad spectrum would suit the purposes of the Group, and enable the scrutiny of any aspect of WMCA governance. Whilst WMFRA would be the subject of the first review, the Group would like to look at other aspects of WMCA governance in future.
- 3.3 It was felt that using the Principles of Good Governance, as the foundation for the Groups Terms of Reference, would ensure that work undertaken would add value

to the WMCA and also improve accountability and transparency in decision making, a core element of good scrutiny.

- 3.4 In relation to the scope of the work on WMFRA, the Group discussed the timeline for the work. It also noted that the last Constituent Authority to formally approve the proposed governance arrangements for the transition of WMFRA to WMCA was Coventry City Council, with its Full Council meeting due to take place on 5 December 2017.
- 3.5 The WMCA Board is due to meet on 8 December 2017 to ratify arrangements on WMFRA, following which a public consultation will commence. At the end of the consultation period no changes can be made to the proposed arrangements, although consultation responses will be forwarded to the Secretary of State.
- 3.6 The Group would like to review comments from each of the Constituent Authorities, and put forward any appropriate comments and recommendations to the WMCA Board on 8 December.
- 3.7 Bearing in mind this Committee's requirement for a two thirds quorum, it would not be practical to call a meeting of the WMCA Scrutiny Committee prior to the WMCA Board meeting. For this reason, Committee members are asked to delegate authority to the Governance Task and Finish Group, in consultation with the Chair, to put forward comments and recommendations to the Board.

Appendix 1 – Governance Task and Finish Group Terms of Reference

Appendix 2 – Scoping Document - WMFRA

Governance Task and Finish Group Terms of Reference

Purpose

To ensure that the West Midlands Combined Authority operates effectively and efficiently and that it is open and transparent in its activity and decision making.

Responsibilities

1. To apply the Good Governance Standard for Public Services to areas of the WMCA identified for focus. The standard is based on six core principles as follows: Good governance means:-
 - i. Focusing on the organisation's purpose and on outcomes for citizens and service users.
 - ii. Performing effectively in clearly defined functions and roles.
 - iii. Promoting values for the whole organisation and demonstrating the values of good governance through behaviour.
 - iv. Taking informed, transparent decisions and managing risk.
 - v. Developing the capacity and capability of the governing body to be effective.
 - vi. Engaging effectively with stakeholders and making accountability real.
2. To engage local authority scrutiny in the process, where relevant, to ensure that local intelligence is utilised and that outcomes reflect local need.
3. To submit findings to the WMCA Overview and Scrutiny Committee for consideration.

Outcomes

The Task and Finish Group shall make recommendations to the WMCA Overview and Scrutiny Committee in relation to the responsibilities above. When such recommendations are made, and agreed by the Committee, these will be submitted to the WMCA Board for consideration at its next available meeting.

Frequency of Meetings

The Task and Finish Group shall determine the frequency and timing of its meetings in order to best carry out the responsibilities above.

Membership

The membership of the Task and Finish Group is determined by WMCA Overview and Scrutiny Committee.

Governance

The Task and Finish Group shall operate in accordance with WMCA's Constitution.

Scrutiny Review – Scoping Document

Review Title:	Governance Task and Finish Group
Work to be carried out by:	Cllr John McNicholas (Lead Member) Gennie Holmes (Lead Officer) Cllr Yvonne Mosquito Cllr John O’Shea Cllr Kate Wild Cllr John Glass
Date of Review:	The review needs to be completed by the end of the public consultation period in early March 2018 (exact date to be confirmed)
Purpose of the Review:	
<p>Working within the terms of reference, to review the governance structure in the proposed Scheme for the transfer of the West Midlands Fire Service within the West Midlands Combined Authority and the creation of a Mayoral Fire Advisory Committee, as part of the public consultation.</p> <p>The group will focus on the governance structures in the proposed scheme on behalf of the WMCA Overview and Scrutiny Committee to identify recommendations to put forward to the Secretary of State. As part of the public consultation, and also to provide a transferable governance model for future reference.</p> <p>The group will ensure that there are robust scrutiny structures in the scheme that enable accountability and transparency in decision making.</p> <p>There are five key “red line” areas that are fundamental to the proposed scheme:</p> <ul style="list-style-type: none"> • Effective ring fencing of future core funding and precept income (essential for protecting WMFS budget for deliver prevention, protection and response activities by the fire service) • Establishment of the Mayoral Fire Advisory Committee of 15 Members as set out (essential for retaining and broadening LA connections with fire and rescue service, retaining lead member principle etc) • Appointment of Chair of the Fire Committee (need to secure wording that ensures that the Mayor in appointing Chair has due regard to the views of the WMCA, the Committee and the political balance across the West Midlands) • The Chief Fire Officer maintaining full accountability for operational functions of the service (essential to maintain the operational excellence and response times which currently exist) • The Home Office should be expected to consult WMCA and the 7 LA’s on any draft order for future WMFS governance before they seek Parliamentary approval for it. There is no legal requirement for them to do this but clearly any order for revised fire service governance which did not meet all these ‘red line’ areas as set out in the draft scheme would be unacceptable to WMFS, WMCA and the 7 individual Councils. 	

In particular the task and finish group will focus on:

- Political proportionality of the Mayoral Fire Advisory Committee and required quorum
- The role of the Mayor and the Combined Authority in the process for appointment of the Chair of the Mayoral Fire Advisory Authority
- The role of the WMCA O&S Committee in scrutinising decisions of the Mayor in relation to the Fire Service and the relationship with the Mayoral Fire Advisory Committee.

Intended Outcomes:

- To identify recommendations for the Secretary of State for consideration when designing the draft order and a transferable model for future reference
- To identify how the proposed Fire Committee may work with WMCA Overview and Scrutiny and whether there may need to be adjustments to the scrutiny structure to ensure robust scrutiny can be applied to this new area of responsibility for the WMCA.

Officer Group (including partners):

Links to the WMCA priorities:

The transfer of WMFS to the Combined Authority is part of the devolution journey,

Reasons for undertaking the review: To ensure that the transition of WMFA to WMCA is open and transparent and that consideration is given to how WMFS will integrate into existing WMCA governance arrangements.

Scoping undertaken by:

Gennie Holmes

WMCA Senior Officer:

Tim Martin

Existing data available for consideration:

- Governance Review Document - [Governance Review](#)
- Proposed scheme - [Proposed Scheme](#)

(These links are to Sandwell's committee papers, but are the same documents provided to all 7 LA's)

- Briefing note attached
- Work programme of Fire Scrutiny Committee
- Feedback and recommendations from 7 LA's on the proposed scheme

Review Work Programme:

Task	Method	Lead person(s)	Completion by
Agree scope and TOR			17/11/17
Feedback progress to WMCAOSC	Tabled report	Cllr McNicholas	21/11/17
Consider the proposed scheme and the consultee list			15/12/17
Consider the current work programme of the current Fire Scrutiny Committee			15/12/17

Consider feedback from 7 LA's on the proposed scheme			3 rd meeting (date to be agreed)
Identify recommendations for amendments to the proposed scheme and any additional consultees			3 rd meeting (date to be agreed)
Report back to WMCAOSC			20/3/18
Submit recommendations as part of the public consultation			End of public consultation period
Review Scoping Checklist		Status	
Draft agreed by Committee			
Draft to relevant Chief Officer(s) for comments			
Draft to relevant Portfolio Lead(s) for comments			
Final version (amended following above steps) shared with Board for confirmation			