

BIRMINGHAM CITY COUNCIL

PUBLIC

Report to: CABINET
Report of: Chief Executive
Date of Decision: 14th November 2017
SUBJECT: GOVERNANCE OF WEST MIDLANDS FIRE SERVICE

Key Decision: Yes
If not in the Forward Plan: Relevant Forward Plan Ref:
(please "X" box) Chief Executive approved
O&S Chair approved
Relevant Cabinet Member(s) or Leader
Relevant Executive Member:
Relevant O&S Chair: Councillor Mohammed Aikhlaq - Corporate Resources and Governance
Wards affected: All

Purpose of report:

1. The purpose of this report is to consult constituent authorities on the now prepared Governance review (Annex A) and Scheme (Annex B) for the proposed governance model of the West Midlands Fire Service (under the Mayoral West Midlands Combined Authority) prior to going out for formal public consultation.
2. This matter was not included in the Forward Plan because we were made aware of the time sensitivity of the proposal too late to include this report in the Forward Plan.
3. The Chief Executive and Chair of Corporate Resources and Governance Overview and Scrutiny Committee have agreed this report going to Cabinet.

Decision(s) recommended:

That the Cabinet:

1. Approve the prepared governance review and scheme for the proposed governance model of the West Midlands Fire Service.
2. Agree that West Midlands Fire Service move forward to public consultation for the scheme and proposed governance model, with the addition that WMCA Fire Service budget be ring fenced for Fire Service functions.
3. Approve to delegate authority as required to the Chief Executive in consultation with the Leader, to make minor amendments to the Governance review and Scheme on completion of the Local Authority approval process and prior to public consultation.
4. Assist with the public consultation in Birmingham
5. Note the timeline of this governance route to the Mayoral Combined Authority

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Consultation

Internal

None

External

This proposal will be subject to extensive public consultation by the West Midlands Fire & Rescue Authority as soon as they have received all preliminary comments from District Councils and approved the scheme for consultation.

Compliance Issues:

Are the recommended decisions consistent with the Council's policies, plans and strategies?

Yes

Financial Implications

(How will decisions be carried out within existing finances and Resources?)

1. There are no costs to Birmingham City Council as these will be funded by the WM Fire and Rescue Authority and the West Midlands Combined Authority

Legal Implications

1. The legal implications and process for devolving powers to the WMCA are set out in the appendices to this report.
2. The proposals in this report will meet the government's expectations that all Fire and Rescue Services consider one of the alternative routes leading to reform.
3. WMFRA have been consulting with the legal heads of service from all seven constituent local authorities for advice and guidance.
4. All relevant legislation pertaining to this governance route has been detailed in the Governance Review and Scheme.

Public Sector Equality Duty (see separate guidance note)

1. There are no direct equalities implication at this stage, however participants from all the equality strands will be invited to comment during the consultation process. Once consultation has been completed an equality impact assessment will be undertaken in line with the City's equalities procedures.
2. It is a requirement of the Secretary of State's consultation process that the consultation responses 'reflect the identities and interests of local communities' in the West Midlands (Local Democracy, Economic Development and Construction Act 2009 section 111 3a).

Relevant background/chronology of key events:

1. In response to the Policing and Crime Bill (2016) consultation, the West Midlands Fire and Rescue Authority (WMFRA) set out a direction seeking the future sustainability of services under a Mayoral WMCA model of governance.
2. In recognising the need for an independent review of the possible future governance options, WMFRA commissioned an appraisal panel in April 2016. The Groups outcomes and conclusions are detailed in the attached Governance Review (Annex A).
3. The outcomes of the group were then built upon through a public consultation undertaken during December 2016 to January 2017, seeking public and partner opinion regarding the future strategy to deliver risk-based services across the West Midlands. A Reformed Fire Authority (RFA) and Mayoral Combined Authority were identified as the 'desirable' options for the future governance of West Midlands Fire Service (WMFS).
4. Accepting the findings of both the Group and the 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.
5. The WMCA supported the WMFRA's broad proposal for the transfer of its functions to the Mayoral Combined Authority on 3rd March 2017.
6. Alongside this, work is underway to implement a RFA as an interim measure until WMFRA functions are transferred to and assumed by the Mayoral Combined Authority.
7. On the 8 September 2017 the WMCA board noted the timeline for the mayoral governance route and approved the development of a governance review and scheme, for Mayoral Combined Authority governance of WMFS pursuant to Sections 111 and 112 (1d) of Local Democracy, Economic Development and Construction Act 2009. The Scheme is detailed in Appendix B. The timeline referred to here is provided in this report in paragraph 13.
8. The benefits of the Mayoral WMCA governance model provides huge opportunities for the joint transformation of public services to West Midlands communities, providing value for money in the delivery of public safety. These opportunities have been detailed in the Governance Review.
9. The Governance Review in Annex A provides a review of existing governance arrangements and functions, this includes the proposed new model under the Mayoral combined authority.
10. The Scheme detailed in Annex B details the roles, accountabilities, and powers required by each individual /body in the proposed governance model and includes provision for an Mayoral Fire Advisory Committee, the details of which are set out in paragraphs 1.8-1.10 of the Scheme (Annex B).
11. Following constituent authority consultation on the Governance Review and Scheme, the Scheme must enter a formal public consultation in adherence to section 113 (3) Local Democracy, Economic Development and Construction Act 2009.
12. The Government will use these documents and the results of the consultation to approve the model and create an order to amend existing legislation, in order to confer the necessary powers on the Mayoral WMCA to carry out the functions currently exercised by the WMFRA.

13. Timeline (indicative) for this journey:

Details	Date
WMCA approve the Governance Review and for a Scheme to be developed.	8 September 2017
development of governance review and scheme, which will consider the business case for the change in governance.	September 2017
Constituent Authority approval of content of governance review and scheme.	October - November 2017
WMCA approval of content of Governance Review and Scheme.	8 December 2017
Consultation of proposals set out in the scheme on behalf of the Secretary of State (6 weeks minimum)	January – February 2018
Analyse consultation responses locally	March 2018
Governance Review, Scheme and analysis of consultation reviewed by Secretary of State (4-12 weeks)	April 2018
Government development of Order detailing changes required in legislation to abolish WMFRA and amend legislation to enable future Mayoral WMCA governance	May – June 2018
Constituent Authority/ CA approval of detail of Order	July - September 2018
Order amended where needed locally enters Parliamentary Process	September - October July 2018
Secretary of State approves Order	November 2018
WMFRA functions transfer to the WMCA	November/ December 2018

Evaluation of alternative option(s):

None proposed

Reasons for Decision(s):

To approve the Governance review (Annex A) and Scheme (Annex B) for the proposed governance model of the West Midlands Fire Service (under the Mayoral West Midlands Combined Authority) prior to going out for formal public consultation.

Signatures

	<u>Date</u>
Interim Leader of the Council
Chief Executive

List of Background Documents used to compile this Report:

WMFRA report: 'Route Map to Mayoral Governance' (20 February 2017)
WMFRA Report - Future Governance Working Group (20 February 2017)
Future Governance Working Group Report (February 2017)
West Midlands Combined Authority (WMCA) report (3 March 2017)
WMFRA report – 'Route map to Mayoral West Midlands, Combined Authority Governance - a Reformed Fire Authority (RFA) and decision (10 April 2017)

WMCA Board Report - 8 September - Mayoral WMCA Governance of WMFS
<https://governance.wmca.org.uk/documents/s617/Report.pdf>

List of Appendices accompanying this Report (if any):

Annex A – Governance Review
Annex B - Scheme

Report Version

Dated

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) Age
 - (c) Disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) Race
 - (g) religion or belief
 - (h) Sex
 - (i) sexual orientation