

Cabinet
Council

31st October 2017
5th December 2017

Name of Cabinet Member:

Cabinet Member for Policy and Leadership (Leader of the Council) - Councillor G Duggins

Director Approving Submission of the report:

Chief Executive

Ward(s) affected:

All

Title:

Governance of the West Midlands Fire Service

Is this a key decision?

Yes - Approval is being sought to agree significant changes to the model and governance arrangements of the West Midlands Fire Service

Executive Summary:

The purpose of this report is to consult constituent authorities on the now prepared Governance review (Appendix A) and scheme (Appendix 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.

Recommendations:

Cabinet is recommended to:

1. Agree that proposed arrangements for West Midlands Fire Service should include the WMCA Fire Service budget being ring fenced for Fire Service functions.
2. Approve the prepared governance review and scheme.
3. Agree to move forward to public consultation for the scheme and proposed governance model.
4. Delegate authority as required to the Chief Executive to make minor amendments to the Governance review and Scheme on completion of the Local Authority approval process and prior to public consultation.
5. Recommend Council approve recommendations 1, 2 and 3 at full Council meeting on 5th December 2017.

6. Support/lead on the public consultation in the City of Coventry region on behalf of the WMCA.
7. Note the timeline of governance route to Mayoral West Midlands Combined Authority.

Council is recommended to:

1. Approve the prepared governance review and scheme.
2. Agree to move forward to public consultation for the scheme and proposed governance model.
3. Delegate authority as required to the Chief Executive to make minor amendments to the Governance review and Scheme on completion of the Local Authority approval process and prior to public consultation.

List of Appendices included:

Appendix A – Governance Review
Appendix B - Scheme

Background papers:

None

Other useful documents

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>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes - 5th December 2017

Report title: Governance of the West Midlands Fire Service

1.0 Purpose

1.1 The purpose of this report is to consult constituent authorities on the now prepared Governance review (Appendix A) and scheme (Appendix 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.

1.2 Background

1.3 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.

1.4 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 (Appendix A).

1.5 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).

1.6 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.

1.7 The WMCA supported the WMFRA's broad proposal for the transfer of its functions to the Mayoral Combined Authority on 3rd March 2017.

1.8 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.

1.9 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 3.1.

- 1.10 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.
- 1.11 The Governance Review in Appendix A provides a review of existing governance arrangements and functions, this includes the proposed new model under the Mayoral combined authority.
- 1.12 The Scheme detailed in Appendix B details the roles, accountabilities, and powers required by each individual /body in the proposed governance model.
- 1.13 Following constituent authority consultation on the Governance Review and Scheme, the Scheme must enter a formal public consultation in adherence to section 112 Local Democracy, Economic Development and Construction Act 2009.
- 1.14 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.

2.0 Options considered and recommended proposal

- 2.1 The route to future Mayoral WMCA governance was agreed by WMFRA on the 20 February 2017 and full details are listed within the Governance Review.
- 2.2 At the WMCA meeting on 8 September it was agreed that there was a requirement for all constituent authorities to approve the content of the review and scheme, pursuant to section 112 Local Democracy, Economic Development and Construction Act 2009.
- 2.3 The City Council could not approve the scheme as drafted and refer the matter back to WMFRA and/or WMCA for consideration; this is not recommended as it will impact upon the timeline as outlined below. The recommendations proposed allow minor amendments to be made, if considered necessary, by delegated authority to the Chief Executive.

3 Result of consultation undertaken

WMFRA has undertaken discussions with stakeholders, the proposal is to enter into a period of public consultation.

4 Timetable of implementing this decision

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

5 Comments from Director of Finance and Corporate Services

5.1 Financial implications

- 5.1.1 The cost of this governance route has and will continue to be met from within existing approved budgets which have largely been delivered through WMFS. Support has also been provided by the WMCA and local authority Legal Services.
- 5.1.2 Future reports will detail any additional costs that will need to be met.
- 5.1.3 The financial implications for local authorities would be those arising from any resources allocated to supporting the public consultation.

5.2 Legal implications

- 5.2.1 The legal implications and process for devolving powers to the WMCA are set out above in this report.

- 5.2.2 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.
- 5.2.3 WMFRA have been consulting with the legal heads of service from all seven constituent local authorities for advice and guidance.
- 5.2.4 All relevant legislation pertaining to this governance route has been detailed in the Governance Review and Scheme.
- 5.2.5 By progressing down this route it is envisaged that the Secretary of State will provide the constituent authorities with the ability to approve the final order transferring the governance of WMFS to the WMCA but this is not a statutory requirement. The statutory requirement is to have due regard to the Scheme as submitted.
- 5.2.6 Clarification on potential impact of any liability and risk that WMCA inherits is being sought.

6.0 Other implications

6.1 How will this contribute to achievements of the Council's plan?

No significant impact is identified from the proposals

6.2 How is risk being managed?

The proposal is for WMFS to join the Combined Authority as a statutory organisation and its members would be required to manage the risks associated with its activities.

6.3 What is the impact on the organisation?

The impact on the City Council will include a change in the governance arrangements as outlined in the attached scheme and review that will alter the current committee arrangements.

6.4 Equalities implications

- 6.4.1 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.
- 6.4.2 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).

6.5 Implications for (or impact on) the environment

6.5.1 There are no environmental implications currently.

6.6 Implications for partner organisations

6.6.1 The proposals require partnership working and agreement with the other local authorities

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