
Cabinet

10th April 2018

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – 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:

To provide an overview of the public consultation evaluation in respect of the Mayoral West Midland Combined Authority (WMCA) Governance Scheme for the West Midlands Fire Service (WMFS) and give consent to the submission of the Scheme and consultation results to the Secretary of State for the Home Office, the Home Secretary.

To delegate authority to the Chief Executive following consultation with the Leader of the Council, to consider the draft order on behalf of the City Council and provide consent to proceed with the laying of the draft order before parliament.

Recommendations:

Cabinet is recommended to:

1. Note the outcomes of the formal public consultation.
2. Agree to consent to the submission of the Scheme together with the results of the Consultation to the Secretary of State for the Home Office so as to enable the transfer of governance of West Midlands Fire Service (WMFS) from West Midlands Fire and Rescue Authority (WMFRA) to the Mayoral West Midlands Combined Authority (WMCA).
3. Delegate authority to the Chief Executive following consultation with the Leader of the Council to approve the draft order received from Government to be laid before parliament, to enable the changes for WMCA to assume governance of WMFS.

List of Appendices included:

Appendix A – Scheme

Appendix B - Consultation Outcomes Evaluation

Background papers:

None

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?

No

Report title: Governance of the West Midlands Fire Service

1. Context (or background)

- 1.1 To provide an overview of the outcome of the public consultation on the future of the WMFS and to seek approval for consent to the submission of the scheme and consultation results to the Secretary of State for consideration.

Background

1.2 Governance Review and Scheme

- 1.2.1 Following the report presented to Cabinet on the 31st October 2017 and Council on the 5th December 2017 this report seeks to update Cabinet on the progress made to date and the outcomes of the public consultation.
- 1.2.2 The WMCA supported the WMFRA's broad proposal for the transfer of its functions to the Mayoral WMCA on 3rd March 2017.
- 1.2.3 On the 8 September 2017 the WMCA board noted the indicative timeline for the proposed governance route and approved the development of a governance review and scheme for the Mayoral WMCA governance of WMFS pursuant to Sections 111 and 112 (1d) of Local Democracy, Economic Development and Construction Act 2009.
- 1.2.4 The Governance Review provided a review of existing governance arrangements and functions, this included the proposed new model and its benefits under the Mayoral WMCA.
- 1.2.5 As part of the Governance review WMCA Overview and Scrutiny Committee formed a Task and Finish Group to consider and make recommendations around the future Governance model.
- 1.2.5 The Scheme, presented to Cabinet on the 31st October 2017 and Council on the 5th December 2017, detailed the roles, accountabilities, and powers required by each individual and body in the proposed governance model.
- 1.2.6 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. The benefits can be broadly summarised under four main themes: public safety delivered through a broad range of responses to emergency services, a workforce to support joined up services and reduce vulnerability, continued improvement and transformation, and operational independence.
- 1.2.7 In adherence to section 112 of Local Democracy, Economic Development and Construction Act 2009, which states that a combined authority must seek the approval of its constituent councils on the governance review and scheme, all seven constituent councils were consulted between October and November 2017.
- 1.2.8 Unanimous support for the proposed scheme was received from all seven constituent councils, along with approval to proceed to a public consultation. Comments received from councils included: that the fire budget and fire reserves be ring-fenced, that the Mayor appoint the Chair of the Mayoral Fire Advisory Committee (MFAC) in consultation with Constituent Council Leaders, and that MFAC be composed of no fewer than 15 members to ensure sufficient representation from all constituent authorities. As part of the public consultation exercise the Scheme was revised to reflect these concerns (Appendix A).

1.3 Consultation

- 1.3.1 A formal public consultation on the proposed scheme was launched on 11 January 2018 for a period of eight weeks to 8 March 2018. This was pursuant to section 113 (3) Local Democracy, Economic Development and Construction Act 2009. The consultation is a requirement for the making of an order, which stipulates that the Secretary of State must not only consult constituent councils within a combined authority's area but also must have 'due regard to the need - (a) To reflect the identities and interests of local communities and (b) To secure effective and convenient local government'. Details of the consultation are contained within paragraph 3 below.

2. 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 decide not to approve the submission of 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 final approval of the draft order by the Chief Executive following consultation with the Leader of the Council.

3. Results of consultation undertaken

- 3.1 A formal public consultation on the proposed scheme was launched on 11 January 2018 for a period of eight weeks to 8 March 2018. This was pursuant to section 113 (3) Local Democracy, Economic Development and Construction Act 2009. The consultation is a requirement for the making of an order, which stipulates that the Secretary of State must not only consult constituent councils within a combined authority's area but also must have 'due regard to the need - (a) To reflect the identities and interests of local communities and (b) To secure effective and convenient local government'. Details of the consultation are reported within paragraph
- 3.2 The consultation seeks views on the detail of the proposed scheme, this includes the roles of the Mayor and WMCA, the proposed MFAC and the Chief Fire Officer. The consultation also seeks the views of the communities of the combined authority's area on the stated benefits of the proposed governance change and the transfer of powers to the Combined Authority.
- 3.3 The consultation approach consists of an animation, frequently asked questions list, the scheme, a survey, plain English text of the governance journey and of key roles. Advice and guidance was sought from public relations and public affairs firm the Built Environment Communications Group (BECG) who are members of the Consultation Institute, which promotes best practice within public consultations across UK, as well as constituent council Communications departments.
- 3.4 In order to reach all sections of the society the consultation has been promoted through a comprehensive range of digital and non-digital forums:
- WMCA website,
 - Constituent council websites,
 - WMFS website and social media pages,

- Letters to key stakeholders (see Appendix B for stakeholder list),
- Letters to West Midlands MPs whose constituencies fall within the WMCA area,
- Letters to MEPs,
- WMFS stations are promoting the consultation through contact time with the communities as part of normal prevention based activities and focused command based workshop events,
- 1000 printed copies of the survey have been disseminated by staff to date such as youth engagement activities and places of worship,
- 200 copies to each constituent council for distribution at key location such as council offices and libraries,
- Graphics have also been provided to each constituent council for displaying on plasma screens.
- The survey was available in easy read and large print as well as cd audio formats upon request, a helpline was also set up to enable disabled members of the public to complete the survey with the support of a member of staff. A total of four easy read versions, seven large print versions and four audio versions were requested.

3.5 Overview of responses to the consultation are as follows (see Appendix B for full evaluation report):

3.6 Overview of responses to the consultation are as follows (see Appendix B for full consultation outcomes report):

- Outcomes of question 1: 47% of respondents 'strongly agreed' or 'agreed' that the WMCA should take on the responsibility for the functions of the West Midlands Fire and Rescue Authority. Conversely, 40% of respondents strongly disagreed or disagreed with the proposed governance change.
- Outcomes of question 2: 59% of respondents 'strongly agreed' or 'agreed' that there should be a Fire Advisory Committee, consisting of members from the WMCA constituent councils, the Police and Crime Commissioners Office, Health and Ambulance Trust, that will advise, support and review decisions made by the Mayor. Conversely, 32% of respondents either 'strongly disagreed' or 'disagreed' with this element of the proposed governance changes.
- Outcomes of question 3: 55% of respondents 'strongly agreed' or 'agreed' that the Chief Fire Officer should be accountable to the Mayor for the operational functions of the Fire Service, whereas 35% either 'disagreed' or 'strongly disagreed'.
- Outcomes of question 4: 42% of respondents 'strongly agreed' or 'agreed' that the Mayoral WMCA taking on responsibility for the function of West Midlands Fire and Rescue Authority would achieve those aims outlined within the questions posed. Conversely, 42% of respondents 'strongly disagreed' or 'disagreed' with one or more of the aims listed.
- Outcomes of question 5: 39% of respondents 'strongly agreed' or 'agreed' that the Order to transfer the Fire Service into the Combined Authority is likely to: improve the statutory functions in the Combined Authority area; reflect the local communities; and secure effective and convenient local government. 41% of respondents either 'strongly disagreed' or 'disagreed' with the question. The outcomes for question 5 also show the highest number of 'don't know' responses (5% of respondents), as well as the highest number of 'neither agree nor disagree' (15 % of respondents).
- Questions 6 – 14 enquire about the identity of the respondent to inform the Secretary of State's need to give due regard to views of the communities of the West Midlands. The identities of respondents broadly reflect the communities of the West Midlands, however, numbers for Asian and Black communities is lower than targets.

- Outcomes also show that 46% of respondents stated they work for the public sector, which represents an engaged workforce and indicates a balanced representation across all sectors.

4. Timetable for implementing this decision

- 4.1 As requested by constituent councils, the indicative timeline presented to Cabinet in November 2017, has been extended to allow for councils to note the outcomes of the consultation and provide consent to proceed with this direction:

DETAILS	DATE
WMCA approved a governance review and scheme to be developed	8 September 2017
Development of governance review and scheme, which considered the business case for the change in governance.	September 2017
Constituent Council approval of the content of the governance review and scheme.	October-November 2017
WMCA approval of the content of the governance review and scheme and approval to proceed to public consultation.	8 December 2017
Consultation of proposals set out in the scheme on behalf of the Secretary of State	January- February 2018

Analysis of consultation responses locally	March 2018
Constituent councils consider outcomes of the public consultation. Seek consent of constituent councils to submit proposal to Secretary of State.	April - May 2018
Governance review, scheme and analysis of consultation reviewed by Secretary of State (4-12 weeks).	June 2018
Government development of order required to give effect to the proposed changes.	July - September 2018

- 4.2 Receipt of the draft order from the Home Office is anticipated following Summer recess this year. To allow for effective adherence to the timeline, it is requested that authority is delegated to the Chief Executive following consultation with the Leader, to consider the draft order and provide consent to the order being laid before Parliament to enable the proposed governance changes, on behalf of the Council.
- 4.3 The table below reflects the dates this consultation outcomes report seeking consent of constituent councils is scheduled to be tabled:

CONSTITUENT COUNCIL	CABINET (for consent)
Birmingham	17th April
Coventry	10th April
Dudley	21st March
Sandwell	21st March
Solihull	5th April
Walsall	21st March
Wolverhampton	25th April

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

The financial implications and process for transfer of functions to the Mayoral WMCA are currently being considered by WMFRA and WMCA to enable effective planning of implementation of the order. On transfer, the WMCA will assume ownership of all properties, rights and liabilities of the current WMFRA.

5.2 Legal implications

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

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.

WMFRA have been consulting with the legal heads of service from all seven constituent local authorities for advice and guidance.

All relevant legislation pertaining to this governance route has been detailed in the Governance Review and Scheme.

Clarification on potential impact of any liability and risk that WMCA inherits is being sought.

6. Other implications

6.1 How will this contribute to achievement 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 / EIA

As cited in this report, efforts were made to ensure the public consultation reached hard-to-reach and equality groups in the region, to meet the requirements of the Local Democracy, Economic Development and Construction Act 2009 section 113, which stipulates that the consultation must reflect the identities and interests of local communities. As part of the consultation exercise this was also one of the questions asked.

6.5 Implications for (or impact on) the environment

There are no environmental implications currently.

6.6 Implications for partner organisations?

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

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