
Meeting of the Cabinet - 26th October, 2017

Report of the Chief Executive

West Midlands Fire Service Governance

Purpose

1. The purpose of this report is to consult constituent authorities on 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.

Recommendations

2. That the Council be recommended to:
 - Approve the prepared Governance Review and Scheme.
 - Agree to move forward to public consultation for the Scheme and proposed Governance Model.
 - Delegate authority to the Chief Executive to make any necessary minor amendments to the Governance Review and Scheme prior to public consultation.
 - Support and lead on the public consultation in the Dudley Metropolitan Borough area on behalf of the West Midlands Combined Authority (WMCA).
 - Note the timeline of this governance route to the Mayoral Combined Authority.

Background

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.

In recognising the need for an independent review of the possible future governance options, WMFRA commissioned an appraisal panel in April 2016 following Government calls for reform of the fire sector. The Group sought to understand the potential for the delivery of further collaborative services, and appraise possible governance structures that met specified criteria as outlined in the Governance Review. The Group's outcomes and conclusions are detailed in the attached Governance Review (Annex A).

4. 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 and Mayoral Combined Authority were identified as the 'desirable' options for the future governance of West Midlands Fire Service (WMFS).
5. 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 20th February 2017.
6. The WMCA supported the WMFRA's broad proposal for the transfer of its functions to the Mayoral Combined Authority on 3rd March 2017.
7. Alongside this, work is underway to reform the WMFRA as an interim measure until functions are transferred to and assumed by the Mayoral Combined Authority.
8. On 8th 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 Annex B.
9. The benefits of the Mayoral WMCA Governance Model provide huge opportunities for the joint transformation of public services to West Midlands communities. These have been detailed in the Governance Review.
10. A Governance Review is a review of existing arrangements and functions, this includes the proposed new model under the Mayoral Combined Authority.
11. The Scheme details the roles, accountabilities, and powers required by each individual /body in the proposed Governance Model.
12. Following constituent authority consultation on the Governance Review and Scheme, the Scheme must enter a formal public consultation in compliance with Section 113 (3) of the Local Democracy, Economic Development and Construction Act 2009.
13. 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.

14. The Timeline (indicative) is as follows:

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

Finance

15. 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 from the WMCA and local authority Legal Services.
16. Future reports will detail any additional costs that will need to be met.
17. The financial implications for local authorities would be those arising from any resources allocated to supporting the public consultation.

Law

18. The legal implications and process for devolving powers to the WMCA are set out above in this report.
19. 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.
20. WMFRA have been consulting with the legal heads of service from all seven constituent local authorities for advice and guidance.
21. All relevant legislation pertaining to this governance route has been detailed in the Governance Review and Scheme.

Equality Impact

22. There are no direct implications 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.
23. 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).

Human Resources/Transformation

24. The revised arrangements present significant opportunities for the joint transformation of public services to West Midlands communities.



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Sarah Norman
Chief Executive

Contact Officers: Mohammed Farooq/Steve Griffiths
Telephone: 01384 815301 / 5235
Email: mohammed.farooq@dudley.gov.uk
steve.griffiths@dudley.gov.uk

List of Background Papers

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