

Report title	Governance of the West Midlands Fire Service public consultation outcomes	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Roger Lawrence Leader of the Council	
Corporate Plan priority	Confident Capable Council	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Jennifer Brake, Service Director, Public Service Reform	
Originating service	Corporate	
Accountable employee	Jennifer Brake Tel Email	Service Director Public Service Reform 01902 555332 Jennifer.Brake@wolverhampton.gov.uk
Report to be/has been considered by	Directorate Leadership Team Strategic Executive Board	26 March 2018 10 April 2018

Recommendations for decision:

The Cabinet is recommended to:

1. Agree to the submission of the Governance Scheme with the results of the public consultation to the Secretary of State for the Home Office, so as to enable the transfer of governance of West Midlands Fire Service from West Midlands Fire and Rescue Authority, to the Mayoral West Midlands Combined Authority.
2. Delegate authority to the Leader of the Council, in consultation with the Managing Director, to approve the draft order received from Government to be laid before parliament, to enable the changes for West Midlands Combined Authority to assume governance of West Midlands Fire Service.

Recommendations for noting:

The Cabinet is recommended to note:

1. The outcomes of the formal public consultation.

2. Changes to the indicative timeline presented to Cabinet on 18 October 2017.

1.0 Purpose

- 1.1 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.
- 1.2 To delegate authority to the Leader of the Council and Managing Director, as required, to consider the draft order on behalf of the Council and provide consent to proceed with the laying of the draft order before parliament.
- 1.3 To note the revised timetable in paragraph 4.1 of this report.

2.0 Background

- 2.1 The WMCA supported the West Midlands Fire and Rescue Authority's (WMFRA) broad proposal for the transfer of its functions to the Mayoral WMCA on 3 March 2017.
- 2.2 On 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.
- 2.3 The Governance Review, presented to Cabinet on 18 October 2017, provided a review of existing governance arrangements and functions, this included the proposed new model and its benefits under the Mayoral WMCA.
- 2.4 The Scheme, presented to Cabinet on 18 October 2017, detailed the roles, accountabilities, and powers required by each individual and body in the proposed governance model.
- 2.5 The Mayoral WMCA governance model provides 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.
- 2.6 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.
- 2.7 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. The Scheme is provided as Appendix 1 to this report.

3.0 Consultation

- 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'. A copy of the consultation document is provided in Appendix 2 to this report.
- 3.2 The consultation sought views on the detail of the proposed Scheme, which included the roles of the Mayor and WMCA, the proposed MFAC and the Chief Fire Officer. The consultation also sought 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 consisted 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 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
 - Press releases
 - Letters to key stakeholders
 - Letters to West Midlands MPs whose constituencies fall within the WMCA area
 - Letters to MEPs
 - WMFS stations 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 were disseminated by staff 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 were 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 The full consultation outcome report is provided in Appendix 3 to this report. An overview of responses to the consultation are as follows:

- 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 or disagree' (15 % of respondents).
- Questions 6 to 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.

4.0 Timescales / Next Steps

- 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 (nb. Parliamentary recess)
Constituent council and WMCA approval of detail of order (see paragraph 4.2)	October - November 2018
Order enters Parliamentary process	December 2018 - January 2019
Secretary of State approves order	February 2019
The West Midlands Fire and Rescue Authority functions transfer to the WMCA	February/March 2019

- 4.2 Receipt of the draft order from the Home Office is anticipated following the Summer recess this year. To allow for effective adherence to the timeline, it is requested that authority is delegated to the Leader and Managing Director, 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	17 April
Coventry	10 April
Dudley	21 March
Sandwell	21 March
Solihull	5 April
Walsall	21 March
Wolverhampton	25 April

5.0 Evaluation of alternative options

- 5.1 The WMFRA commissioned an appraisal panel in April 2016 following Government calls for reform of the fire sector. The panel 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.
- 5.2 The Governance Review, presented to Cabinet on 18 October 2017, provided a review of existing governance arrangements and functions, and included the proposed new model and its benefits under the Mayoral WMCA.

6.0 Reasons for decisions

- 6.1 Unanimous support for the proposed scheme was received from all seven constituent councils in October and November 2017, along with approval to proceed to a public consultation. This report seeks approval to submit the Governance Scheme with the results of the public consultation to the Secretary of State for the Home Office for review.

7.0 Financial implications

- 7.1 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.

[MH/16042018/W]

8.0 Legal implications

- 8.1 The legal implications and process for devolving powers to the WMCA are set out in this report.
- 8.2 WMCA and WMFRA have been consulting with the legal heads of service from all seven constituent councils for advice and guidance throughout this journey.
- 8.3 All relevant legislation pertaining to this governance route has been detailed in the Governance Review and Scheme presented to Cabinet 18 October 2017.

[RB/13042018/M]

9.0 Equalities implications

- 9.1 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.
- 9.2 The survey was made available in different formats to allow access by all equality groups of the community.
- 9.3 An initial equalities analysis was carried out on the initial Mayoral West Midlands Combined Authority Scheme, having due regard to the equalities implications of the Scheme, on which the original draft Order was based. At this time it was concluded that further detailed analysis was not required as any detailed project/programmes, to result from the incorporation of this and any future Schemes and Orders, would be subject to individual equalities analysis.

10.0 Environmental implications

- 10.1 There are no environmental implications currently.

11.0 Human resources implications

- 11.1 There are no human resources implications currently.

12.0 Corporate landlord implications

12.1 There are no corporate landlord implications currently.

13.0 Schedule of background papers

13.1 WMFRA report: 'Route Map to Mayoral Governance' (20 February 2017)

13.2 WMFRA Report - Future Governance Working Group (20 February 2017)

13.3 Future Governance Working Group Report (February 2017)

13.4 West Midlands Combined Authority (WMCA) report (3 March 2017)

13.5 WMFRA report – 'Route map to Mayoral West Midlands, Combined Authority Governance -

13.6 A Reformed Fire Authority (RFA) and decision (10 April 2017)

13.7 WMCA Board Report - 8 September - Mayoral WMCA Governance of WMFS

13.8 <https://governance.wmca.org.uk/documents/s617/Report.pdf>

13.9 CWC Cabinet – Governance of West Midlands Fire Service (18 October 2017)

14.0 Appendices

Appendix 1 - Scheme

Appendix 2 – Consultation Survey.

Appendix 3 – Consultation Outcomes Report.