



Report

Meeting: **WMRMB**

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This report is: **For information**

Meeting Venue: **Shire Hall, Warwickshire**

Report Status: **To update the WMRMB on progress with the legal work on the FiReControl project since March**

Report Title:

Legal Update

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Circulated to:

Please forward to:

- **WMRMB**
- **FiReControl Project Board**
- **Regional lawyers group**

Summary:

There are a number of legal strands to the implementation of the FiReControl project, which arise from the move towards regional working, under the ultimate direction of central Government, and which include setting up and running a regional company, the transfer of staff into the new control room, and all the contracts associated with operating a regional control room. This paper provides a brief update on the legal work undertaken in the last 6 months on the FiReControl project with a particular focus on the regional company.

Recommendation(s):

That the Board notes the update on legal work given in this report and makes any comments as it sees fit.

For further information, please contact:

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1. Local Authority Controlled Company:

West Midlands Fire and Rescue Services Regional Control Centre Limited company

The regional company which will be responsible for operating the control room when it “goes live” (anticipated to be in 2010) was established in February this year but has not met yet. This is partly due to the need to move forward on some of the other workstreams (eg HR, accommodation) to generate issues for the company to consider, developing a members agreement to support the company (discussed below) and also due to the recent local member elections, which have resulted in a number of changes in directorships.

Each region is to appoint a Regional Control Centre Director as its most senior operational officer, to lead the day to day operation of the regional control when it goes live and also to help with the implementation over the coming months and years. Members may be aware that following a recent recruitment process the West Midlands region was unsuccessful in appointing an RCCD. The Project Director will update Members as to the steps being taken to address this situation. However it should be noted that the appointment of an RCCD is crucial to driving the company forward as a decision-making body in its own right.

The legal adviser will bring to the RMB meetings the forms required to be signed by the new directors which will then be sent to Companies House.

Arrangements for meetings

Noting the above reasons as to why the company has not yet met, it is becoming essential that the company begins to meet on a reasonably regular basis. The company does not have to meet as a formal Board (in terms of taking binding decisions) but could meet in shadow at least initially to have general discussions and receive briefings. This would be intended to familiarise Members (supported by senior officers) with their new role as a Board of Directors and generally to help the project to take account of issues from the point of view of what the “end user” (the regional company) would want to achieve. Officers are preparing a workplan for the company over the coming months. As part of this workplan would be an induction into the company role, and a visit to the new control room building.

At the end of the RMB meeting it is proposed that Members who are also directors of the company try to identify a few dates between July and December for initial meetings of the company, initially in “shadow” as outlined above.

Members agreement

The five Fire and Rescue Authorities in the region are the owners of the company, and are ultimately responsible for delivering fire control functions to the region and for meeting the costs associated with running a regional control room through the company. Therefore some work has been undertaken on a members agreement which sits behind the company’s memorandum and articles and regulates this relationship between the FRAs. The members’ agreement is now largely settled and it is intended this will be submitted to FRAs for approval in their Autumn cycle of meetings. Once the members agreement has been adopted this will give a clear basis for decision-making within the company (and set out which matters must be unanimously agreed by the FRAs) but as

noted below, until the principles for sharing costs within the region are settled, the company would not be advised to make binding commitments which ultimately the FRAs would be required to fund.

Cost apportionment

Members have previously noted the importance of receiving reports on, and being able to debate, the principles by which costs for regional control might be shared within the region. (There is also national project cost-sharing work underway but that is not discussed here). It is expected that proposals for cost-sharing will be ready for debate by September. If consensus cannot be reached on the principles by which costs will be shared then this will delay progress on other aspects of the project. For example, before the end of December each region will need to decide whether it wishes to accept the national facilities management contract being procured by central Government to support all the premises needs of the new control rooms. The West Midlands company should be the responsible body to make this decision (subject to unanimous agreement of the FRAs) but this will be difficult if the principles by which the costs of the FM contract will ultimately be shared between the FRAs have not been agreed by that time.

Position in other regions

Current information suggests that 3 out of the 9 regions have established their regional companies: West Midlands, East Midlands and the North East. The East Midlands company (which is the first region to go live) has met five times and has a clear workplan in place. The East Midlands has a full time RCCD in post and also an HR adviser. Colleagues in the East Midlands have helpfully indicated they are willing to share their practical experiences with the West Midlands regional company. The North East company has only just started meeting. Other regions are in the process of setting up their companies, against timescales which they perceive reflect their position in the national roll out of the regions.

2. FiRe Control legal work programme

There are a number of legal strands to the implementation of the FiReControl project, which arise from the move towards regional working, under the ultimate direction of central Government. There is a national legal working group which meets every 6 weeks and a regional legal working group which meets approximately every month. Over the last 6 months, in addition to the company development work outlined above, progress has been made in the following areas:

- A workplan/issues log of all the legal issues on the project;
- Discussion on the employment implications of staffing up the regional control room (include staff transfers);
- Discussion about the governance of the project and particularly the nature of the relationship between central Government and the companies, going forwards;
- Work on a national facilities management contract;
- Lease documentation for each regional control room building.

3. Financial Considerations:

Those noted above in relation to cost-sharing principles.

4. Background Papers:

None

5. Attachments:

None