

EAST SUSSEX FIRE AUTHORITY

NON-CONFIDENTIAL Minutes of the meeting of the EAST SUSSEX FIRE AUTHORITY held at County Hall, St Anne's Crescent, Lewes BN7 1UE at 10:30 hours on Thursday, 6 December 2018.

Present: Councillors Barnes (Chairman), Deane, Dowling, Elford, Galley, Lambert, Morris, O'Quinn, Osborne, Peltzer Dunn, Smith, Taylor, Theobald and Tutt.

Also present:

D Whittaker (Chief Fire Officer), M O'Brien (Deputy Chief Fire Officer), M Andrews (Assistant Chief Fire Officer), A Ghebre-Ghiorghis (Monitoring Officer), D Savage (Assistant Director Resources/Treasurer), L Ridley (Assistant Director Planning & Improvement), M Matthews (Assistant Director Safer Communities), H Scott-Youldon (Assistant Director Training & Assurance), E Curtis (Communications & Marketing Manager), S Milner (Planning & Intelligence Manager), E Simpkin (Democratic Services Officer) and A Blanshard (Senior Democratic Services Officer).

62 TRIBUTE & MINUTES SILENCE

62.1 The Chairman invited Members and Officers to join him in a moment of reflection following the sad death of Councillor Stuart Earl on 18 October 2018 after a short illness. Councillor Earl had been appointed as a Member of the Fire Authority in June 2013 following his election to East Sussex County Council as the Independent Member for Bexhill West.

62.2 Councillor Earl was a popular, well respected and hardworking Member of the Fire Authority and the Pension Board and worked closely with Officers and Members alike, particularly in his role as Member Lead for Health and Safety. The Chairman told the Authority his abiding memory of Councillor Earl would be of his optimism and sense of humour. The Fire Authority would miss him both personally and for his dedication to the work of the Authority.

62.3 Councillor Elford then spoke to the Authority to share his memories of Councillor Earl. He remembered meeting Councillor Earl before their time together on the Authority, and told Members that he was so well known to those in his local area that you could not live in Bexhill and not know of Councillor Earl or his tireless work for local charities especially the hospital. He explained that Councillor Earl had helped to raise enough money for the Bexhill hospital to be able to buy two scanners, one of which would now be dedicated to him in his memory.

62.4 Councillor Lambert echoed those sentiments already expressed and took the opportunity to highlight what a compassionate man Councillor Earl had been with his good sense of humour and calming presence.

62.5 Those present then stood for a minutes silence to allow everyone the opportunity to remember Councillor Earl in their own way.

63 INTERESTS

63.1 It was noted that, in relation to matters on the agenda, no participating Member had any disclosable interest under the Fire Authority's Code of Conduct for Members.

64 **APOLOGIES FOR ABSENCE**

64.1 Apologies had been received from Councillors Penn, Scott and Sheppard.

65 **URGENT ITEMS & CHAIRMAN'S BUSINESS**

65.1 The Chairman agreed to take an oral update from the Chief Fire Officer under the exempt part of the Agenda. This item was deemed to be exempt under paragraph 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 and accordingly was not open to the public on the following grounds: Information relating to a particular employee, former employee or applicant to become an employee of, or a particular officeholder, former office-holder or applicant to become an office-holder under, the authority.

66 **TO CONSIDER PUBLIC QUESTIONS, IF ANY**

66.1 There were none.

67 **TO CONSIDER PUBLIC PETITIONS, IF ANY**

67.1 There were none.

68 **MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2018**

68.1 **RESOLVED** – That the minutes of the meeting held on 6 September 2018 be approved and signed by the Chairman. (*Copy in Minute Book*)

68.2 The Assistant Director Resources/Treasurer provided an update with regard to Minute 56: Provision of Insurance, informing Members that since the last meeting ESFRS had been accepted as a member by the Fire and Rescue Indemnity Company (FRIC). As a result the Authority would begin to utilise the pooling arrangements for its corporate property, liability, motor and miscellaneous insurance requirement from 1 April 2019.

69 **CALLOVER**

69.1 Members reserved the following items for debate:

70 Provision of Monitoring Officer, Deputy Monitoring Officer & Legal Services

71 Collaboration Framework & Priorities (2018-2021)

72 Independent Review of Fire Authority Governance – Outcome Report

70 **PROVISION OF MONITORING OFFICER, DEPUTY MONITORING OFFICER & LEGAL SERVICES**

The Monitoring Officer left the room for the duration of this item.

70.1 The Fire Authority received the report of the Chief Fire Officer (CFO) setting out and seeking approval for the arrangements for the provision of Legal Services and Monitoring Officer support from 1 April 2019. (*Copy in Minute Book*)

- 70.2 The Authority were informed that the Legal Services agreement between East Sussex Fire Authority and Brighton & Hove City Council (BHCC) was due to expire on 31 March 2019. The Authority was responsible for the appointment of the Monitoring and Deputy Monitoring Officer and the report outlined the current position recommending a course of action which would suit business need and secured best value.
- 70.3 Members were interested in more detail regarding the financial assessment included in paragraph 4.1 of the Report. They asked the Assistant Director Resources/Treasurer (ADR/T) to explain why there appeared to be regular significant overspends.
- 70.4 They were informed that there had been more legal issues to deal with over the past 4 years than could have been anticipated and this was likely to be ongoing. The day-to-day provision of legal support, namely the two days per week provided by the Deputy Monitoring Officer, amounted to almost half the budget allocation. The costs of this, and other regular service provision had been consistent and as expected. The overspends were linked to additional legal work including conveyancing for the sale of service houses, the St Michaels Hospice case and matters arising from the Sussex Control Centre and the contract with Remsdaq for the provision of a mobilising system.
- 70.5 The ADR/T explained that these extra cases had required the instruction of QCs, extensive legal advice throughout negotiations and commercial arrangements. It was therefore these external legal advice costs that added to actual spend. It was anticipated that the continued situation regarding SCC would mean additional legal work and the associated costs would be incurred.
- 70.6 The ADR/T added that the rates charged by BHCC had been benchmarked and compared favourably, demonstrating that the Authority was getting good value for money. Going externally had been evaluated, but the service provided by BHCC through Orbis had added value areas including:
- out of hours response, invaluable bearing in mind the 24/7 nature of ESFRS work;
 - specialist lawyers across all fields;
 - consistency with the public sector partnership and collaboration aims; and
 - a high level of understanding of the Fire sector and our specific working practices.
- 70.7 The ADR/T added that the Senior Leadership Team (SLT) had noted an improvement over the past 18 months in the performance monitoring and profile of the experts at BHCC.
- 70.8 **RESOLVED** – That the Fire Authority:
- a) agreed that the Monitoring Officer of Brighton & Hove City Council continues to be the appointed Monitoring Officer for the Authority;
 - b) agreed that the provision of Legal Services, Monitoring Officer, appointment and deputising arrangements are to be provided by BHCC for a three-year period with an option to extend for two further years;

- c) delegated authority to the AD Resources/Treasurer to agree the detail of the new agreement with BHCC; and
- d) noted that, in accordance with ESFA Contract Standing Orders (CSOs) 7.2, the Treasurer after consultation with the Monitoring Officer, Procurement Manager and Chairman has approved a waiver of CSO 13.7-13.8.

71 COLLABORATION FRAMEWORK & PRIORITIES (2018-2021)

- 71.1 The Fire Authority received the Report of the Assistant Director Training & Assurance (ADT&A) presenting Members with the ESFRS Collaboration Framework & Priorities (2018-2021) document. (*Copy in Minute Book*)
- 71.2 This report provided the Authority with an oversight on current work being undertaken in relation to collaborations. Members were informed that the intention was to provide one document in which the principles of collaboration and the areas of work were captured together.
- 71.3 Members thanked officers for the document and felt it highlighted the way in which ESFRS was driving collaboration as hard as it could and looking for new opportunities where possible.
- 71.4 Members were pleased with progress and felt that the move to the shared Headquarters and the collaboration with Sussex Police was a good example of collaboration working well.
- 71.5 **RESOLVED** – That the Authority approved the adoption of the ESFRS Collaboration Framework & Priorities (2018-2021) document and that the progress of the priority collaborations would be reported to the Scrutiny & Audit Panel on a quarterly basis.

72 INDEPENDENT REVIEW OF THE FIRE AUTHORITY GOVERNANCE – OUTCOME REPORT

- 72.1 The Fire Authority considered the Report of the Chief Fire Officer (CFO) which provided Members with an update on the outcomes and recommendations following the independent review of the governance of the Authority, as undertaken by the Good Governance Institute. It also required Members to agree to proposed responses to the recommendations made. (*Copy in Minute Book*)
- 72.2 Members were reminded that in December 2017 East Sussex Fire Authority became the first in the country to commission an independent review into the political and organisational governance arrangements in place across the Authority and in relation to East Sussex Fire & Rescue Service.
- 72.3 The Authority recognised that good governance was essential to address the challenges that the public sector face and to ensure public engagement and transparency in service delivery.
- 72.4 The CFO explained that following the early inspections, the HMICFRS had now included governance as part of the inspection regime having originally stated that it would not be included.

- 72.5 The Deputy Chief Fire Officer (DCFO) informed the Authority that the final report of the Good Governance Institute (GGI) had been shared with the Member Reference Group (MRG) and that the report in front of the Authority had been created out of these discussions and included MRG recommendations.
- 72.6 The DCFO added that since the despatch of this report, he had been in contact with the GGI and taken them through the MRG recommendations and they felt them to be sensible and pragmatic
- 72.7 Before working through the recommendations as set out in the report, some Members expressed disappointment that GGI had not fully addressed the size of the Fire Authority, the work of the Panels and how the Panels worked together.
- 72.8 Whilst overall Members were not of the opinion that there needed to be an immediate change to the size of the Authority it was acknowledged that there was some evidence that smaller boards could be more effective. But the Authority must also be cognisant of the need to ensure that its size of membership allowed for appropriate political proportionality.
- 72.9 The Monitoring Officer (MO) explained that the GGI had used benchmarking figures created by his office to make their recommendation. He reassured the Authority that this showed that whilst the recommendation was to consider a reduction, the figures showed that ESFA was of average size. The Combination Order required proportionality to be calculated on the electoral figures of both ESCC and BHCC, if there had been a substantial change in either authority then a review would be required automatically. The Senior Democratic Services Officer was working with colleagues at the constituent Authorities to establish whether this may be required.
- 72.10 They also felt that there could be value in Members having access to all Panel papers. Members were reminded that all Panel papers are published on the Service website, but were only posted to the members of the relevant panel. They were informed that a report would be presented to the December meeting of the Senior Leadership Team (SLT) presenting an outline business case for the purchase and implementation of committee management software. If agreed, this system would allow greater accessibility to papers for both Members and the public. Members expressed their support for such a system being introduced.
- 72.11 With some discussion, the Authority took a decision on each recommendation detailed in the Report. All twelve of the recommendations that had been made by the MRG were agreed by the Authority. Particular attention was paid to the recommendations referenced below.
- 72.12 Recommendation 5: Members were keen for the induction programme to be refreshed and felt it would be helpful for both new and existing Members to attend. There was also support for prospective Members to be given more information on the requirements of being a Member of the Fire Authority from their relevant Constituent Authority, either BHCC or ESCC as applicable.
- 72.13 Recommendation 10: Members welcomed the proposal of an improved "Expectation of Members" document, it was generally felt that there was a feeling that attendance at events outside of meetings were "extra-curricular" where actually they formed an integral part of the role of Member of the Fire Authority. Officers confirmed that all staff appreciated it when Members attended these

events. It was agreed that measuring and sharing attendance at these events was important. Members were urged by the Chairman to form and build relationships with their local stations.

72.14 **RESOLVED** – That the Fire Authority:

- a) considered and discussed the contents of the report;
- b) considered the Member Reference Group's response in relation to the twelve recommendations presented in the full report and agreed each of them; and
- c) directed officers to progress on the basis of the recommendations outlined in the report.

73 EXCLUSION OF THE PRESS AND PUBLIC

73.1 That items no. 74, 75 and an oral update, agreed to be taken by the Chairman as an urgent item, be exempt under paragraphs 1 and 3 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 and accordingly is not open for public inspection on the following grounds: Information relating to any individual, and it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

76 URGENT CONFIDENTIAL ITEM: FIRE BRIGADES UNION UPDATE

76.1 The Authority conducted a discussion under confidential session regarding a press release issued by the Fire Brigades Union which had declared that a vote of no confidence had been taken by its membership in the Senior Leadership Team of East Sussex Fire & Rescue Service. Members discussed this in depth and were keen to express their full support in the SLT and were keen to issue a response as a united Authority. It was agreed therefore that the resolution of this confidential discussion would be made public.

76.2 **RESOLVED** – That the Fire Authority agreed to:

- a) record its full confidence in the Senior Leadership Team of East Sussex Fire & Rescue Service;
- b) record its disappointment that the Fire Brigades Union chose not to submit its notice of a no-confidence vote through the agreed channels; and
- c) That it be further recorded that the matter raised by the Fire Brigades Union as its basis of a no-confidence vote, namely the potential introduction of appliances of differing size, is one which was set in process in 2014 and is being investigated in accordance with declared policy of the Fire Authority. It will be carried out, as always, in accordance with the relevant policies and procedures and will be subject to full consultation before a decision on any changes is reached and implemented.

The meeting concluded at 11.52 hours.

Signed

Chairman

Dated this

day of

2019