

## **EAST SUSSEX FIRE AUTHORITY**

**Minutes of the meeting of the East Sussex Fire Authority held at East Sussex Fire & Rescue Service Headquarters, 20 Upperton Road, Eastbourne at 10.30 hours on Thursday 11 December 2014.**

**Present:** Councillors Barnes, Buchanan, Deane, Earl, Galley, Howson (Chairman), Lambert, Peltzer Dunn, Powell, Pragnell, Scott, Sheppard, Taylor, Theobald and Wincott.

**Also present:**

Mr. D. Prichard (Chief Fire Officer & Chief Executive), Mr. G. Ferrand (Assistant Chief Fire Officer), Mr. D. Savage (Treasurer), Miss. E. Woodley (Deputy Monitoring Officer) and Mrs. A. Bryen (Clerk).

814. **DISCLOSABLE PECUNIARY INTERESTS**

814.1 It was noted that, in relation to matters on the agenda, no participating Member had any disclosable pecuniary interest under Section 30 of the Localism Act 2011.

815. **APOLOGIES FOR ABSENCE**

815.1 Apologies for absence were received from Councillors Butler, Carden and Hawtree.

816. **URGENT ITEMS AND CHAIRMAN'S BUSINESS**

816.1 **Newhaven Fire**

816.1.1 The Chief Fire Officer & Chief Executive (CFO&CE) gave an oral update about the fire at Newhaven. The incident had lasted for 7 days, had been fought 24/7, involved other agencies, and included support from the high volume pump operators from Surrey FRS. This incident also covered a period of the firefighters' strike, but there had been no issues arising from this. Valuable support had been given by the British Red Cross with volunteers providing hot food for the firefighters and other emergency services and partners dealing with the incident.

816.1.2 The Fire Authority recorded their gratitude to the British Red Cross and asked the CFO&CE to extend this in writing and further agreed that a donation be made to the BRC.

816.1.3 The CFO&CE advised Members that they would be informed of the costs of the incident when calculated, but he anticipated that it could have an impact on the budget for Retained Duty firefighters. Some equipment had been damaged at the incident, including the hydraulic hoses on the Aerial Rescue Pump damaged by radiated heat. The FRS was unable to recover costs from this incident as attendance had been a statutory duty, not a special service (which could be charged). Councillor Buchanan suggested that in view of the continued reduction in government grant funding, the Government be lobbied to allow FRSs to recover costs from insurers.

816.1.4 The CFO&CE assured Members that whilst crews and equipment had been committed to the incident at Newhaven, ESFRS would still have been able to provide responses to other incidents, and that mutual aid assistance from other FRSs would have been available to call upon.

817. **TO CONSIDER PUBLIC QUESTIONS, IF ANY**

817.1 The question set out below was received from Nancy Platts who was unable to attend the meeting. Therefore, in accordance with standing order 25.9, a written reply was sent to her following the meeting. The question and reply are set out in Appendix A to the minutes.

Question:

‘Does the Chair support the statement made by ESFRS spokesperson regarding operational crews not having to wait for a second appliance to arrive before committing crews in breathing apparatus into a building to make rescues and extinguish fires?’

818. **TO CONSIDER PUBLIC PETITIONS, IF ANY**

818.1 There were none.

819. **NON-CONFIDENTIAL MINUTES OF THE MEETING HELD ON 11 SEPTEMBER 2014**

819.1 **RESOLVED** – That the non-confidential Minutes of the meeting held on 11 September 2014 be approved and signed by the Chairman. (Copy in Minute Book).

The Chief Fire Officer & Chief Executive reported that in respect of minute no. 797 – public questions, it had become apparent following the last meeting of the Fire Authority that there were errors in the reply that had been given to Nancy Platts. An apology had been given to Nancy Platts and a revised written answer was sent to her on 17 September 2014; this was reproduced in the Appendix to the minutes of 11 September 2014.

820. **CALLOVER**

820.1 Members reserved the following items for debate:

821. The Autumn Statement

822. The Fire Authority’s Constitution

823. Member Allowances Scheme – Annual Review

821. **THE AUTUMN STATEMENT**

- 821.1 The Treasurer gave an overview of the Chancellor's autumn statement that had been issued on 3 December 2014 after the agenda for this meeting had been published.
- 821.2 To deliver the necessary reductions in spending, the Government would continue to pursue an ambitious package of efficiency and reform in the next Parliament. The Government was exploring a range of further reforms for the next Parliament to drive out waste and inefficiency and improve outcomes.
- 821.3 The Government would seek a further £10 billion of efficiency savings by 2017-18. This would be led by the Cabinet Office, working closely with HM Treasury and departments. In the Economic and Fiscal Outlook, the Office for Budget Responsibility said the Treasury's figures imply that 'roughly 40% of the total implied cut in day-to-day public services spending between 2009/10 and 2019/20 will have taken place over this Parliament, with roughly 60% to come in the next'. Public spending control was central to the Government's commitment to reducing the deficit.
- 821.4 No new announcements on council tax were made in the Autumn Statement. The local government finance settlement was expected on 17 December 2014, when the referendum threshold was expected to be announced. This would be reported to the Policy & Resources Panel in January 2015, and the Fire Authority in February 2015, to take into account when setting the Council tax precept.
- 821.5 The Government would continue to reform and take tough decisions on public sector pay while it continued to reduce the current budget deficit until 2017-18; it will assess the result of public sector pay bill control pilots in the next Spending Review. The Government will take further action to ensure the full costs of providing pensions for public service workers are met by employers. The autumn statement did not include an announcement about the employer's contribution rate for the Firefighters' Pension Scheme 2015.
- 821.6 It was announced that the Government would be reviewing the structure of business rates and would report by the 2016 Budget. Interim findings on the review of the administration of business rates would be published in December 2015. The small business rate relief would be doubled for a further year to provide 100% relief for 2015/16. The business rate increase will be capped at 2% for a further year.
- 821.7 The CFO&CE informed Members that the DCLG's budget had not been ring-fenced and, therefore, fire and rescue services would almost certainly have to contribute to the savings total with further reductions in grant, and a greater level of savings required. The Fire Authority's current Medium Term Finance Plan assumes that Council Tax will be increased by 1.94% each year over the next five years. The threshold that could trigger a referendum had still to be announced which may influence the level of Council tax precept that Members set.

- 821.8 The CFO&CE also informed Members that he had met with the Shadow Fire Minister, who had confirmed in her discussions with some staff that the Opposition's plans for the fire & rescue services did not include any increase in funding, but that alternative ways of running the Service were being explored.
- 821.9 The Fire Authority had recently submitted bids for capital funding to DCLG (to fund a joint facility at Newhaven fire station, works at Roedean and The Ridge Fire Stations to introduce Day Crewed Plus). None of these bids had been successful. The successful bids had included not only shared buildings/facilities, but also joint teams of staff delivering public services. Further consideration would be given to future bids with partner organisations. A further bid had been submitted jointly with the Surrey Emergency Services Transformation Programme, which had been successful. This bid relates to a potential Joint Transport Function.
- 821.10 The CFO&CE reminded the Fire Authority that the Policy & Resources Panel on 13 November 2014 had agreed to proceed with the development of a business case to relocate ESFRS headquarters to the Sussex Police HQ site in Lewes and the development of a disposal strategy for the current ESFRS HQ site. Sussex Police supported working together, and the integration of some services would achieve revenue savings. A full business case was being prepared and would be brought to the Policy & Resources Panel in 2015.
- 821.11 Councillor Scott asked the CFO&CE to arrange a further meeting with the Shadow Fire Minister to ask what effect the Opposition's proposals would have on the Service and what savings could be achieved from a single Fire & Rescue Service. He was disappointed that a merger with West Sussex FRS had failed but recognised that this would not achieve the savings required over the long term, however, regional FRSs or a single FRS possibly would.
- 821.12 The CFO&CE confirmed that he had offered to meet again with the Shadow Fire Minister but he had not yet had a response. Apart from ESFA there was no support from other FRSs to merge or to consider a regional Service.
- 821.13 Councillor Barnes felt that although a regional fire service was desirable and would save some frontline jobs, it would not achieve the overall savings required across all Fire & Rescue Services. National debt continued to rise annually. Whilst he favoured an ESFRS HQ move he cautioned about the costs involved and the predicted long term savings.
- 821.14 Councillor Wincott felt that a top down approach was needed from the Fire Minister to impose mergers or alternative organisational structures to achieve savings. He supported Member engagement with staff, acknowledging the need to not underestimate the level of savings required or to give false promises about job security.
- 821.15 **RESOLVED** – That the oral report be noted.

822. **THE FIRE AUTHORITY'S CONSTITUTION**

- 822.1 The Fire Authority considered a joint report of the Chief Fire Officer & Chief Executive, Monitoring Officer and the Treasurer that sought approval to a revised scheme of delegations, a rebranding of the Members' Handbook to 'The Constitution', and other amendments, to be brought into effect from the annual meeting of the Authority on 4 June 2015. (Copy in Minute Book).
- 822.2 The Deputy Monitoring Officer said that the current Members' Handbook brought together the Authority's constitutional documents including, amongst other things, standing orders, contract standing orders, financial regulations, the Members Code of Conduct and the Scheme of Delegations.
- 822.3 The Scrutiny & Audit Panel had considered the latest CIPFA guidance on the function and operation of audit committees and had recommended the Fire Authority to approve revised terms of reference for the Scrutiny & Audit Panel.
- 822.4 The Scheme of Delegated Functions had been streamlined and was submitted for Members' consideration and approval. The newly laid out constitution would include information and guidance for Members.
- 822.5 The Deputy Monitoring Officer informed Members that the Public Service Pensions Act 2013 required the Authority to establish a local Pension Board in relation to the Firefighters Pension Scheme, and further changes to the Constitution would be required to establish this by 1 April 2015.
- 822.6 Members discussed the substitution arrangements for those occasions when Members could not attend Fire Authority meetings. The Deputy Monitoring Officer advised Members that the Fire Authority could not dispense with the substitution arrangement as the Combination Order that established the Fire Authority provided for Members to be appointed from each constituent authority and this was on a political balance basis. The constituent authorities were not obliged to appoint a substitute but there may be occasions when Group Leaders wished this arrangement to apply. Members were reminded that where they could not attend a Panel meeting that they had been appointed to, a substitute could be appointed by the relevant Group Leader from amongst the members of their Group serving on the Fire Authority.
- 822.7 Members discussed the current quora for Panel meetings, and considered that a quorum of 2 was insufficient. It was proposed and agreed that the quorum for Panels be increased to three voting members to be introduced with immediate effect. The Deputy Monitoring Officer explained that the report proposed that the political balance requirements should be disapplied to the Principal Officer Appointments Panel so allowing each political group to be represented on the Panel, including the Chairman of the Fire Authority. Members agreed this approach.

822.8 Members considered that they should not have a role in monitoring the Member Allowances Scheme, and felt that the Independent Remuneration Advisory Group (IRAG) should carry out annual reviews. The Deputy Monitoring Officer said that the current Scheme provided for an annual uprating to be applied to Members' basic and special responsibility allowances using the headline increase applied for Local Government Support (LGS) staff. The IRAG was appointed to carry out an independent review every four years, and, in between time, the Policy & Resources Panel was tasked with keeping the Scheme under review. Officers monitored other local authority and Fire & Rescue Services' schemes to ensure consistency.

822.9 Members felt that it would be too soon to bring a further report reviewing the new Constitution to Members in January 2016. The Deputy Monitoring Officer clarified that this review would be carried out by Officers and only significant issues would be brought to Members for consideration.

822.10 **RESOLVED** – That

- (i) the revised terms of reference for the Scrutiny & Audit Panel be approved;
- (ii) the quorum for Panels be amended to 3 voting members with immediate effect;
- (iii) the Constitution be approved to be brought into effect from the next annual meeting of the Authority, including:
  - (a) the authority to decide sick pay appeals being removed from the Urgency Panel and included in the Human Resources Panel terms of reference;
  - (b) the political balance requirements (sections 15 and 16 of the Local Government Act 1989) shall not apply to the Principal Officer Appointment Panel or the Standards Hearing Panel;
- (iv) the Chief Fire Officer & Chief Executive and the Monitoring Officer be authorised to make any minor consequential amendments as necessary; and
- (v) It be noted that the next officer led review will be carried out in early 2016.

823. **MEMBER ALLOWANCES SCHEME – ANNUAL REVIEW**

823.1 The Fire Authority considered a joint report of the Chief Fire Officer & Chief Executive, the Monitoring Officer and the Treasurer that asked Members to consider the annual review of the Member Allowances Scheme. (Copy in Minute Book).

823.2 Following an independent review, the Fire Authority (on 12 September 2013), had approved a Member Allowances Scheme which was implemented on 1 April 2014 to remain in place until 2017/18. The Scheme stated that the rates for basic and special responsibility allowances shall be upgraded for the years 2015/16, 2016/17, and 2017/18 by using the national headline increase applied to Local Government Support (LGS) staff, to take effect from 1 April based on the previous year's national pay award.

823.3 The Fire Authority was advised that there had been a 2.2% pay award for all LGS (Green Book) staff earning over £14,800 to cover the period 1 January 2015 to 31 March 2016. Grey Book and Gold Book staff had been awarded 1% on 2014/15. On that basis a 1% increase in Members' basic and special responsibility allowance was considered appropriate and Members agreed this would satisfy the requirements of the approved current Member Allowances Scheme.

823.4 **RESOLVED** – That  
i) a 1% increase be applied to the rates of basic and special responsibility allowances with effect from 1 April 2015; and  
ii) it be noted that the Chief Fire Officer & Chief Executive has authority under the Member Allowances Scheme to keep travel and subsistence rates under review and upgrade them.

824. **EXCLUSION OF PRESS AND PUBLIC**

824.1 **RESOLVED** – That the following item be exempt under the paragraphs indicated 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 grounds that it includes information relating to an individual and information relating to the financial or business affairs of any particular person (including the authority holding that information).

Item 825 Paragraphs 1 and 3

The meeting concluded at 12:42 hours.

Signed

Chairman

Dated this 12<sup>th</sup> day of February 2015.

**PUBLIC QUESTION RECEIVED FROM NANCY PLATTS:**

Does the Chair support the statement made by ESFRS spokesperson regarding operational crews not having to wait for a second appliance to arrive before committing crews in breathing apparatus into a building to make rescues and extinguish fires?

Reply:

Thank you for your question. As this is an operational matter I have requested a response from the Chief Fire Officer and Chief Executive. He has advised as follows:-

“The safety of our staff is of upmost importance to us. We invest a substantial part of the annual budget on training and the provision of equipment to ensure that we are best prepared to deal with a wide range of incidents and to make the appropriate decisions when faced with individuals who need rescuing.

For all life threatening incidents we send a minimum of eight firefighters who are supplemented by an additional fire engine to “persons reported” fires – fires where we believe that people are unaccounted for.

It is widely accepted and recognised that firefighters can be faced with difficult dilemmas, having to make decisions in what are sometimes extremely hazardous, emotionally charged during fast moving situations. At any incident the officer in charge of the first crew on the scene will assess the dangers and risks to both members of the public and firefighters.

National operational guidance for the fire and rescue service recognises that officers may make a very difficult decision to deploy firefighters wearing breathing apparatus where the resources they have are only those available to them on the first appliance. However, where there exists an opportunity to preserve life or take action that will prevent an incident deteriorating the Incident Commander may make that decision taking into account the location of the additional resources that have been mobilised in accordance with our policies.

We expect that this procedure is not often applied and is in exceptional circumstances.

National Guidance states:

“Initial/rapid deployment of BA (breathing apparatus) may be used where the resources available are limited at the time of arrival to deliver the full operational plan, but where there exists an opportunity to preserve life or take action that will prevent an incident deteriorating if the Incident Commander were to wait for additional resources.

Initial/rapid deployment will only be undertaken on the instructions of the Incident Commander following a suitable calculated assessment of the risks versus the likely benefits.”

I have nothing to add.