

FIRE AUTHORITY

Minutes of the meeting of the FIRE AUTHORITY held at Council Chamber, County Hall, East Sussex County Council, St Anne's Crescent, Lewes at 10.30 am on Thursday, 5 September 2019.

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Boorman, Earl-Williams, Ebel, Evans, Hamilton, Osborne, Peltzer Dunn, Powell, Pragnell, Sheppard, 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), H Scott-Youldon (Assistant Director HR, OD, Training & Assurance), L Woodley (Deputy Monitoring Officer), S Milner (Planning & Intelligence Manager), E Curtis (Communications & Marketing Manager), J Sarpong (Pensions Advisor), A Blanshard (Senior Democratic Services Officer)

23 Declarations of Interest

There were none.

24 Apologies for Absence

Apologies had been received from Cllrs Barnes, Dowling and Scott.

The Chairman welcomed Cllr Boorman who was attending as substitute for Cllr Dowling.

25 Notification of items which the Chairman considers urgent and proposes to take at the end of the agenda/Chairman's business items

The Chairman reminded Members that the East Sussex Fire & Rescue Service Awards were being held in October. He thanked those Members that were attending, and urged more to take up the invitation in future. The Chairman informed the Authority that he was keen to encourage improved Member attendance at Service events, including Station Open Days and reminded Members that all such dates were included in the weekly email update.

Members were reminded of the forthcoming Members' Seminar, the Chairman explained that currently the expected attendance was low and urged as many Members as possible to attend and to contact Democratic Services to inform them as soon as possible.

26 To consider any public questions

There were none.

27 To receive any petitions

Unconfirmed minutes – to be confirmed at the next meeting of the Fire Authority

There were none.

28 Non-confidential Minutes of the Annual Fire Authority Meeting

RESOLVED – That the minutes of the meeting held on 13 June 2019 be approved and signed by the Chairman. *(Copy in Minute Book)*

29 Non-confidential Minutes of the Extraordinary Fire Authority Meeting

RESOLVED – That the minutes of the extraordinary meeting held on 3 July 2019 be approved and signed by the Chairman. *(Copy in Minute Book)*

30 Callover

Members reserved the following items for debate:

- 9 2018/19 Annual Performance Outcome Report
- 10 Revenue Budget and Capital Programme Monitoring 2019/20
- 11 2020/21 Strategic Service Planning and Medium Term Financial Plan
- 12 Firefighter Pension Schemes Update Report

31 2018/19 Annual Performance Outcome Report

The Fire Authority considered the report of the Assistant Director Planning & Improvement (ADP&I) presenting details of East Sussex Fire & Rescue Service's performance for the period April – March 2018/19.

The report summarised the 2018/19 performance outcomes for East Sussex Fire & Rescue Service, providing a single view of information and allowing the Service to be held to account. The report provided comparison against last year's performance, and illustrated the Service's direction of travel and whether or not performance had improved, stayed the same or declined.

The report also provided comparison to other Fire & Rescue Services nationally on a scale of best to worst performance based on the latest data sets available. A lengthy discussion was had by Members on the contents of the report.

Members queried whether it was anticipated that grass fires would increase due to the impact of climate change. The Chief Fire Officer (CFO) informed Members that in the UK in 2017/18 there had been 76 open grass fires consuming more than 24 hectares, rising to 96 by July 2019. The trajectory of these fires showed that there were more of them and that they were bigger. The NFCC has stated that Climate Change is an issue for Fire & Rescue Services nationally and it is an issue now. Whilst data does not show there a significant local issue, we ensure any operational learning is gathered from other services and we are confident that we have appropriate levels of resource to match the risk.

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Members asked why the data presented a decrease in the number of fires confined to the room of origin. It was explained that this is a national dataset, the definition of which is that the fire has remained in one room at the finish of the incident. Members were informed that there were a number of reasons that this figure could change for example if a door was left open, or a burning object taken outside. It was important to clarify that this did not mean ESFRS were arriving at incidents slower.

Members requested more information on figures relating to staff sickness, in particular long-term sickness. The report showed that sickness absence was a priority for the Service and performance had improved on last year. The ADHRODTA confirmed that the ESFRS had a sickness policy that was adhered to, and that it was implemented in line with a strong case management approach. Meaning that each case of long-term sickness was approached in an empathetic and caring way on its own merits, understanding the individual circumstances. Members were reminded that in 2018 ESFRS had moved to an improved Occupational Health provider which was proving to be both effective and pro-active. The culture at ESFRS was not one of presenteeism and each situation was dealt with sensitively, patiently and jointly with the employee.

Members queried why Home Safety Visits (HSVs) were being undertaken by two members of staff. The Assistant Chief Fire Officer (ACFO) confirmed that staff were now visiting more vulnerable people and these visits were becoming more complex, less pastoral and more clinical. By attending in pairs the HSVs are of a better quality.

The Authority was interested to read that almost half of the total ESFRS incidents were false alarms, Members wanted confirmation that property owners were being given guidance to stop them happening and whether consideration had been given to introducing fines to repeat offenders. The ACFO explained that although there were still a high proportion of Automatic Fire Alarms (AFA) there had been a reduction through the year and that the experience at ESFRS mirrored the national challenge. He informed Members that whilst consideration was being given to charging repeat offenders, having observed the trials by other services it was evident that this approach was yielding limited success and presenting its own challenges. The ACFO reassured Members that every AFA callout was used as an opportunity, if false, to conduct a robust education piece as part of the wider business safety discussion and work was being undertaken with repeat offenders.

Members commented that whilst there was basic information included on the nature of the complaints received there was no detail on the subject of the compliments, it was agreed that in the report next year basic themes of the compliments received would also be included.

RESOLVED – That the Fire Authority:

- i. approved the performance results and progress towards achieving the Service's purpose and commitments; and

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- ii. approved the performance results and remedial actions that have been taken to address areas of underperformance in the Fire Authority's priority areas.

32 Revenue Budget and Capital Programme Monitoring 2019/20

The Fire Authority considered the report of the Assistant Director Resources/Treasurer (ADR/T) reporting on issues arising from the monitoring of the 2019/20 Revenue Budget and Capital Programme as at 31 July 2019. At this early stage in the financial year with the delayed completion of the audit of the 2018/19 accounts this report focused principally on the risks to the revenue and capital budgets.

The report stated that the Revenue Budget was forecast to be £36,000 underspent, reflecting where forecasts could be made with some certainty. The overall Capital Programme is projected to be £90,000 underspent, the current year's Capital Programme was projected to be underspent by £952,000 (comprising of slippage of £862,000 and £90,000 underspend).

The Authority maintained Reserves in order to assist in managing its spending plans across the financial year (Earmarked Reserves) and making provisions for the financial risks it faces (General Reserves). A summary of the current planned use of Reserves, updated with the latest operational position was presented in Appendix 4 to the report.

Members queried whether ESFRS compared suppliers of vehicles with other Fire & Rescue Services. The ADR/T confirmed that ESFRS was a participant in national work on vehicle provision and a member of a national framework through which purchases could be made. Members were informed that the vehicle purchase programme had been paused to ensure that all new purchases were locally appropriate.

The Authority asked whether the projected overtime bill was deemed to be reasonable. The ADR/T explained that the projected overtime spend of approximately £300,000 should to be considered in context of the overall budget for that department of £20.6m. The amount was not of immediate concern and the use of overtime provided flexibility but that it would continue to be monitored closely. The CFO outlined to Members some of the uses for overtime, including for crews going over shift on an incident and provision of whole-time sickness cover. Members were reminded that the use of overtime was an operational matter, and reassured that it was managed correctly.

Members requested a brief update on the progress of the estates project at Preston Circus. The ADR/T confirmed that the project was progressing well. Following extensive consultation with the employee representatives stage 2 of the design had been signed off and Architects appointed for stage 3. A Major Projects Manager had been appointed to work on Preston Circus, Lewes and Uckfield and was due to start in early November. All stages of each project would be undertaken with the appropriate level of engagement with stakeholders.

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Members asked the ADR/T to explain why the average return on investments remained at 1%. The ADR/T confirmed that ESFRS had commissioned ORBIS to research alternative investment options, the results of which would be presented to Members at a future meeting.

RESOLVED – The Authority:

1. Noted:
 - i. the risks to and the projected Revenue Budget underspend;
 - ii. the risks to and the projected underspend in the Capital Programme;
 - iii. the use of reserves;
 - iv. the monitoring of savings taken in 2019/20; and
 - v. the current year investments.
2. The Authority Agreed to vary the Capital Programme to reintroduce the purchase of an Animal Rescue Vehicle.

33 2020/21 Strategic Service Planning and Medium Term Financial Plan

The Authority received the report of the Assistant Director Resources/Treasurer (ADR/T) presenting plans to roll forward the medium term service planning strategy and medium term financial plan (MTFP) for 2020/21.

The ADR/T explained to Members that this year the MTFP was essentially a roll forward of that agreed by the Authority in February 2019 with an additional year included. Closer alignment of business and resource planning was necessary to ensure that the Authority could continue to deliver its corporate strategy and Integrated Risk Management Plan (IRMP) outcomes more effectively, this would continue for the 2020/21 budget setting process.

Members were reminded that there was continued uncertainty about the future of local government funding. Despite this uncertainty the Authority would need to continue to drive through the service and budget planning process, identification of pressures and savings and cashable efficiencies. It was important that consideration was given to the replenishment of reserves. The ADR/T gave a brief update on the Government's Spending Round announcement that had been made the day prior to the meeting. This was for one year only and contained no specific reference to fire services. There were some connections to the work of fire services including additional funding to the Government's Building Safety Programme in the wake of the Grenfell Tower fire.

The ADR/T informed the Authority that the Spending Round indicated that baseline funding for local authorities would be protected in real terms for 2020/21 but would not know what this meant for this Authority until the draft Local Government Finance Settlement was announced possibly in December. It was not clear at this stage whether the one off grant to fire services to cover additional pension costs in 2019/20 (worth £1.7m to this Authority) would be rolled forward into 2020/21. Government intended to consult on a 2% Council

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Tax referendum threshold which was in line with our current modelling. The anticipated Fairer Funding Review and changes to Business Rates Retention were to be delayed and it was hoped that a Comprehensive Spending Review would be announced next year. The MTFP had been modelled for a reduction in funding, but this could yet be mitigated by the Government proposals in 2020/21 and the Service would continue to push for savings to ensure flexibility. There remained significant concerns about funding and financial sustainability in the medium term. Members thanked the ADR/T for all his hard work during uncertain financial times.

Members queried the reduction in sprinkler contributions, the ADR/T reminded the Authority that we were approaching the end of the 2 years additional funding that the Fire Authority had agreed to budget for, this would cease as planned in 2021. It was added that there was still significant funding available, but it was important to be clear that the offer had been made to promote fitting of sprinklers and to encourage behavioural change, it had never been the intention that ESFRS fund Local Authorities.

Members requested that the ADR/T calculate the difference in revenue of a 1.99% increase compared to the currently intended 1.94%. The ADR/T agreed to do so and to inform members of the potential difference the additional 0.05% might make.

RESOLVED – That the Fire Authority:

- i. Approved the updated Medium Term Financial Plan for 2020/21 to 2024/25 and its underlying assumptions;
- ii. Considered and commented upon the risks set out in section 3; and
- iii. Considered their modelling preferences for Council Tax, should the Government set the referendum threshold higher than the 2% currently included in the MTFP.

34 Firefighter Pension Schemes Update Report

The Authority received the report of the Deputy Chief Fire Officer (DCFO) informing Members of the pensions issues identified within the Firefighter Pension Schemes and to set out the action being taken or proposed to resolve them.

Members were grateful to receive the report but felt that the potential financial risk presented by the issues could have been clearer. The ADR/T explained the financial implications, as known, were set out at section 3 of the report, but would go into more detail if required, adding that it was likely these issues would present a cost to the pension fund and not to the Authority directly.

The ADR/T provided the Authority a recap on the findings of the Norman v. Cheshire case. There had been no national guidance to deal with the judgement of this case, therefore a local exercise had been undertaken. The early assessment indicated that there was potentially up to £44,000 of unpaid

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employees' contributions, if these amounts could not be recovered through repayment plans or other means then the current view was that the impact would be on the Pension Account. The Pension Advisor was working to put in place payment plans where possible.

Members appreciated that this report demonstrated that there was a large amount of work to be done in the area of Pensions and wanted reassurance that there was enough capacity to undertake it. The ADR/T agreed that this was an intensive process, the Pensions Advisor had been appointed to perform a 'healthcheck' in order to identify any issues. This work had uncovered issues resulting from the actions of both ESFRS as the Scheme Manager and by ORBIS as the Scheme Administrator. The reason that the Service was changing Firefighter Pension provider from ORBIS to the West Yorkshire Pension Fund (WYPF) was because Firefighter Pensions were becoming increasingly complex and County Councils were less able to meet the Service's requirements. The WYPF would be able to provide ESFRS with both greater resilience and expertise, they were already supporting and administering Firefighter Pension Schemes on behalf of fourteen Fire & Rescue Services.

There was some suggestion that ESFRS should seek some recompense from ORBIS. The ADR/T explained that the key focus was on ORBIS providing immediate resources in order to rectify the issues and not on seeking a rebate. The CFO added that this was not a local issue and that there had been difficulties encountered by Pension Administrators across the Fire sector. Some of these issues were historic but some were annual issues dealt with by all services. There had been a separate regulatory assessment which established that none of the issues presented were reportable breaches. Audits had been conducted on the Firefighter Pension Scheme by ESFRS' internal auditors and Members would be kept informed of the findings.

RESOLVED – That the Authority:

- i. noted the current pension issues and activities identified in Appendix 1;
- ii. confirmed that they were content with the action proposed to resolve the issues; and
- iii. requested that a further report be presented to the Fire Authority once the Pension Board have discussed and considered the issues and the actions.

35 Exclusion of the Press & Public

RESOLVED – That agenda item no. 14 be exempt under paragraph 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: it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

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36 Confidential Minutes of the Previous Meeting

RESOLVED – That the confidential minutes of the meeting held on 3 July 2019 be approved and signed by the Chairman. (*Copy in Minute Book*)

The meeting concluded at 12.06 pm

Signed

Chairman

Dated this

day of

2019