

## **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, 13 February 2020.**

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Barnes, Dowling, Ebel, Evans, Hamilton, O'Keeffe, Osborne, Peltzer Dunn, Powell, Pragnell, Scott, 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), L Woodley (Deputy Monitoring Officer), D Savage (Assistant Director Resources/Treasurer), M Matthews (Assistant Director Safer Communities), R Fowler (Assistant Director Operational Support & Resilience), H Scott-Youldon (Assistant Director People Services), E Curtis (Communications & Marketing Manager), J Sarpong (Pensions Advisor), W Tricker (Finance Manager), M Lloyd (Group Manager), A Blanshard (Senior Democratic Services Officer) and E Simpkin (Democratic Services Officer)

### **61      Declarations of Interest**

There were none.

### **62      Apologies for Absence**

There were none.

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

The Chief Fire Officer (CFO) provided a brief update to the Authority on the current position of East Sussex Fire & Rescue Service with regards to the current outbreak of Coronavirus. The local and National responses were being led by Public Health England (PHE) and the NHS. ESFRS were working with the Local Resilience Forum (LRF) as required under the Civil Contingencies Act. The LRF was meeting, in person or by conference call, on a daily basis to ensure the appropriate sharing of advice and information, the Assistant Chief Fire Officer (ACFO) was acting as Chair at these meetings. All updated information regarding the virus was shared with all agencies and, where required, with ESFRS staff both for general good hygiene and specialist information for emergency services first responders.

The CFO was clear that from the perspective of ESFRS the Coronavirus outbreak was an issue to be aware of but not a crisis. Through the National Fire Chiefs Council (NFCC) there had been opportunities to influence processes and raise issues with PHE - in particular with regards to the creation of containment centres.

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Members asked for clarification that there was engagement with District and Borough Councils. The CFO confirmed that each authority was represented on the LRF and that officer would be responsible for providing feedback to their authorities with the information provided by PHE and NHS leads. All local authorities would be dealing with the outbreak under their own local business continuity processes and any locally relevant issues that Members might have should be raised with them directly.

### **64 To consider any public questions**

There were none.

### **65 To receive any petitions**

There were none.

### **66 Non-confidential Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the meeting held on 9 January 2020 be approved and signed by the Chairman. (*Copy in Minute Book*)

### **67 Callover**

Members reserved the following items for debate:

- 44 Fire Authority Service Planning Processes for 2020/21 & beyond – Revenue Budget 2020/21 & Capital Strategy 2020/21 – 2023/24
- 46 Pay Policy Statement 2020/21
- 47 Firefighter Pension Schemes
- 48 Health, Safety & Well-being Strategy 2020-2023
- 49 Future Provision of Offshore Maritime Response Team

**RESOLVED** – That all other reports be approved according to the recommendations set out.

### **68 Fire Authority Service Planning Processes for 2019/20 & beyond - Revenue Budget 2020/21 & Capital Strategy 2020/21 - 2023/24**

The Fire Authority received the Report of the Chief Fire Officer (CFO) and the Assistant Director Resource/Treasurer (ADR/T) presenting the Fire Authority's Revenue Budget 2020/21, Capital Strategy 2020/21–2024/25 and Medium Term Finance Plan for 2020/21–2024/25 for approval.

The ADR/T explained to Members that the Report presented a broadly positive picture. It included figures as anticipated from the Local Government Finance Settlement, this had been due for finalising by Government on 12 February 2020, but its hearing in Parliament had been delayed due to other

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urgent business. This delay did not stop Members agreeing the budget on the basis of the figures contained within the Report. The ADR/T explained that the updated recommendations and Appendices, which had been circulated to Members, were based on confirmed figures from the other precepting authorities.

The ADR/T confirmed that this Report presented a balanced budget for the forthcoming year and that there was a net budget increase of 1.2%, which comprised various pressures and new commitments of £0.863m and savings of £0.396m. with the core funding remaining roughly constant to the previous year. The proposed 1.99% increase to Council Tax along with a growth in the council taxbase of 0.63% would provide ESFRS with an additional income of £716,000.

There remained significant uncertainty for fire funding beyond this financial year. For 2021/22 and beyond there were significant risks as a result of proposals to change the Business Rates Retention regime, the Fairer Funding Review and a Comprehensive Spending Review (CSR) following the outcome of the recent Parliamentary Election. This uncertainty meant that the Medium Term Finance Plan forecasted overall central support in three scenarios providing best case, mid case and worse case savings relating to Settlement Funding Assessment. Officers would continue to focus on driving efficiencies through various activities set out in the Efficiency Strategy, although a key element would be the outcomes of the work on the Operational Response Review and Integrated Risk Management Plan.

The Capital Asset Strategy reflected that there had been further revisions to the fleet strategy as the Authority reviewed its fleet requirements and a re-profiling of the delivery of the Estates strategy, phasing the programme over eight years rather than six reflecting more reasonable timescales.

The ADR/T concluded that in his role as Treasurer to the Fire Authority he was satisfied that the budget was both robust and transparent and that the allocation of resources within it were necessary and appropriate.

Members asked for a better description of the “best case” and “worse case” scenarios that had been outlined. The ADR/T explained that these were modelled on funding scenarios that had been discussed with the Home Office, based on a reduction of the Settlement Funding Assessment (SFA). The “best case” was based on a cash flat comprehensive spending review outcome, which assumed that the SFA was maintained at the current level. The “worse case” modelled for a reduction 7.5% annual decrease in SFA. The national conversations with the Home Office were interrupted by the Parliamentary Election in December 2019, but the NFCC were funding a post to co-ordinate its submission to the CSR. Given this uncertainty it remained important that ESFRS continued to look at the ability to make savings as well as driving further efficiencies that could assist in achieving financial sustainability once the outcome of CSR was known.

Members were reminded that they as an Authority had made a commitment to drive efficiencies and to seek to avoid reductions in service. There was

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further clarification that the hope was that there would be no need to make any reductions, but that as previously mentioned due to there being no detail on future funding it was not possible to discuss this in any informed way yet.

Members queried the light touch of the equality impact assessment (EQIA) that had been provided with the Report. The ADR/T explained that for the purposes of setting the budget, the EQIA was sufficient and had been conducted in accordance with our policy requirements. For this year's budget, it was deemed that the impact of the proposals on those with protected characteristics would be neutral or positive. When it was clear what the outcomes of the CSR and the size of any potential funding gap known then a fuller EQIA would be undertaken on any resulting proposals to balance the budget. The CFO added that consideration of Equality at ESFRS was front and centre of all work and decisions, the Service was already at the top when it came to equity of pay for men and women, it was not only a matter of statutory compliance, but also a moral one.

The Authority agreed that it felt 1.99% to be a reasonable rise in the Council Tax precept and one which they felt would be affordable to most people. Members explained that they were often told by their constituents that they were prepared to pay for a good delivery of service and that the Fire Service was widely supported.

There were some concerns from members regarding the reduction in general balances to 5% and whether the risk assessment for this was robust. The ADR/T confirmed that the risk assessment had been robust and that it and the affordability made it appropriate to move to 5%. Members were reminded that the National FRS Framework operated a “comply or explain” approach where general balances exceeded 5%.

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

- a) an increase in council tax of 1.99% and thus approved:
  - i. the budget proposals set out in this Report and the net budget requirement of £39.737m for 2020/21;
  - ii. the council tax requirement of £27.931m; and
  - iii. the council tax and precepts as set out in Appendix F
- b) the capital programme for the next five years, the capital budget of £5.992m for 2020/21 and the plans to use capital grant, capital receipts and revenue contributions to finance capital expenditure;
- c) the change in the minimum level of General Reserves to 5% of the net revenue budget;
- d) the fees and charges set out in Appendix C; and
- e) that the Chief Fire Officer, in consultation with the Chairman and Treasurer, be authorised to make any adjustments to the

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presentation of the budget to reflect the final Local Government Finance Settlement.

### **69 Treasury Management Strategy 2020/21**

The Authority received the Report of the Assistant Director Resources/Treasurer which sought Member approval for the treasury management strategy, policy statement and the Minimum Revenue Provision (MRP) Statement 2020/21.

**RESOLVED** – That the Fire Authority:

- i. approved the treasury management strategy and policy statement for 2020/21 (and adopt for the remainder of (2019/20);
- ii. determined that for 2020/21 the Authorised Limit for borrowing should be £14.785m;
- iii. adopted the prudential indicators as set out in Appendix 2 to the Report; and
- iv. approved the Minimum Revenue Provision (MRP) Statement for 2020/21 as set out in Appendix 3 to the Report.

### **70 Pay Policy Statement 2020/21**

The Authority considered the Report of the Assistant Director People Services (ADPS) which presented Members with the Pay Policy Statement for 2020/21.

The ADPS, thanked Members for accepting the updated version of the Pay Policy Statement which had been circulated before the meeting. Members were reminded that the Localism Act 2011 imposed a duty on relevant local authorities to prepare a pay policy statement for each financial year, which must be approved by 31 March 2020. The statement must include policies on remuneration of chief officers and lowest paid employees.

Members sought clarification on why there was no reference made within the report to Gender Pay Gap, the ADPS explained that work was underway to compile a report on this subject, as was now required, and as such was not included in this report.

Members also asked for confirmation that ESFRS pay scales were based on National Pay awards, and therefore it was not possible to have flexibility locally on them. The ADPS confirmed that ESFRS pay was based on nationally agreed pay scales, adding that there were some local agreements including policies on pay protection which had been consulted on and agreed locally.

**RESOLVED** – That the Fire Authority approved the Pay Policy Statement as set out in the amended Appendix 1.

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### **71      Firefighter Pension Schemes**

The Authority considered the Report of the Pensions Advisor (PA) informing Members that, following recommendations in the Pension Regulator's Governance and Administration survey 2017 and the Scheme Advisory Board's survey of local boards, the Authority's Firefighters' Pension Scheme Local Pension Board had updated its Terms of Reference. These updates included frequency of meetings, reporting requirements and length of term for members.

Members thanked the PA for all her work for ESFRS which had been extensive and were supportive of the proposals made in the report. There were questions about the potential impact of the Sargeant case on ESFRS and how this might affect finances and service provision. The ADPS explained that there was extensive work being undertaken to evaluate the risks posed by the decision on this national case and an update was anticipated from Government on the potential impacts. ESFRS had added the case to the Corporate Risk Register which would ensure it was being monitored but until more information was provided the impact remained unknown. ESFRS had identified that there were 131 people that would be affected, it was only those affected by the transitional arrangements not the whole workforce, and the level they are at in the organisation was known. It was likely to be a few years before the effects were felt at an organisational level. The CFO added that there were ongoing Government negotiations and that proposed remedies were out to consultation, ending in spring 2020. Members were reassured and reminded that this was a national pension scheme and that the financial implications were expected to be national and therefore not borne by ESFRS, but until the remedies were known it was impossible to work out the cost.

The Chair of the Pension Board, reiterated thanks to the PA on behalf of the Board Members and ESFRS, adding that the intention was now to meet a minimum of 4 times per annum, all Board Members had now undertaken specific training and reassuring the Authority that they were paying close scrutiny to the Sargeant case and that they would keep monitoring it and report back to the Authority as required.

**RESOLVED** – That the Authority noted and approved the:

- i.    updated Pension Board Terms of Reference (TOR);
- ii.   new Breaches of Law Policy and Guidance; and
- iii.   new Pension Board Training Policy.

### **72      Health, Safety & Well-being Strategy 2020-2023**

The Authority considered the Report of the Assistant Director People Services (ADPS) presenting for approval the revised Health, Safety & Well-being Strategy for 2020-2023. Members were reminded that the Authority already had in place an existing Health, Safety & Well-being Strategy which formed

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part of the suite of strategies that sat within the Constitution. This Strategy ran from 2017 until March 2020, and had now been reviewed and refreshed to incorporate the new Health & Safety Management System. The ADPS explained that the Strategy continued to develop the strategic direction for not only the health and safety of ESFRS employees but the mental well-being of staff too. The updates had taken into account the responses to the regional health & safety audit undertaken in March 2019 and also Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection in May 2019.

The ADPS explained to Members that the Strategy provided a clear 3 year delivery plan, aligned with the findings of the HMICFRS inspection, which would enable the Service to provide staff the support they required and to allow the Health, Safety & Well-being Committee to measure the success of the objectives and provide a clear set of policies and a structured well-being programme.

Members queried a lack of detail in the Strategy pertaining to examples such as the impacts of the menopause, PTSD, financial worries, housing etc. and wanted reassurance that there was meaningful work supporting the Wellbeing champions. The ADPS explained that the report presented the Authority with the overarching strategy and therefore did not include all the procedural detail on how the aims would be achieved. Wellbeing was of strategic importance to the organisation and the Service's approach to mental health was multi-layered and complex. The Wellbeing Champions were by no means thought to be the panacea, but they were one solution amongst many. The move, in 2018, to the new Occupational Health provider meant that there was now a collaborative board considering well-being across ESFRS, Surrey FRS and Sussex & Surrey Police. This approach was not all incident related, as ESFRS was very much on top of this provision, but related more to all staff and when life was feeling a bit too much. The ethos was that ESFRS might not be able to fix its staff, but would actively support, identify and signpost them to the help they needed as quickly as possible.

The CFO added that ESFRS had put itself through the Mind Healthy Workplace assessment and provided comprehensive signposting to all staff on the website. Members agreed that ESFRS was, and should continue to be, a good employer and supportive of all staff.

**RESOLVED** – The Authority agreed to support the revised Health, Safety & Wellbeing Strategy for 2020-2023 (Appendix 1) and to adopt it as a formal Fire Authority Strategy.

**73**

## **Future Provision of Offshore Maritime Response Team**

The Authority considered the Report of the Assistant Chief Fire Officer (ACFO) which updated Members on the ESFRS Maritime Response and outlined proposals to remove the off shore capability in order to better facilitate the statutory responsibility for ship alongside firefighting resilience.

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The ACFO reminded Members that they had received a briefing on this matter some months ago and that subsequently a detailed risk review had been undertaken to consider this provision. ESFRS did not have a statutory duty to provide its current offshore maritime firefighting capacity and it had not been called upon to provide such assistance for over 14 years. The Service had a responsibility to use its resources to address any significant community risk that it identified as part of its Integrated Risk Management Plan (IRMP) and as a Coastal fire service with a statutory responsibility to provide resilience to a ship alongside incident should one occur at one of our ports.

The ACFO explained that ESFRS currently spent approximately £50,000 each year to provide its current Fire & Rescue Maritime Response team, currently based at Newhaven. The review and report proposed that the offshore capability be removed and that the provision be redirected to provide a more refined and robust response to ship alongside fires.

**RESOLVED** – That the Authority agreed to support Option 2 in Section 13 of the Report, and withdraw the offshore maritime firefighting team in order to reinforce the statutory ship alongside firefighting resilience.

**74**

### **Exclusion of the Press & Public**

**RESOLVED** – That Agenda Item 51 be exempt under paragraph 3 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 and accordingly are not open for public inspection on the following grounds: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**75**

### **Confidential Minutes of the Previous Meeting**

**RESOLVED** – That the confidential minutes of the meeting held on 9 January 2020 be approved and signed by the Chairman. (*Copy in Minute Book*)

The meeting concluded at 11.47 am

Signed

Chairman

Dated this

day of

2020