

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, 2 September 2021.

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Azad, Dowling, Evans, Geary, Hamilton, Maples, Marlow-Eastwood, Osborne, Peltzer Dunn, Powell, Redstone, Taylor, Theobald, Tutt and West

Also present: D Whittaker (Chief Fire Officer/Chief Executive), M O'Brien (Deputy Chief Fire Officer), D Savage (Assistant Director Resources/Treasurer), L Woodley (Deputy Monitoring Officer), L Ridley (Assistant Director Planning & Improvement), H Scott-Youldon (Assistant Director Operational Support & Resilience), J King (Assistant Director Safer Communities), A Blanshard (Senior Democratic Services Officer), M Lloyd, S Phillips and A Avery

50 Declarations of Interest

There were none

51 Apologies for Absence

Apologies had been received from Cllr Scott

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

There were none

53 To consider any public questions

There were none

54 To receive any petitions

There were none

55 Callover

Members reserved the following items for debate:

- 119 Revenue & Capital Budget 2021/22 and Capital Programme 2021/22-2025/26 Monitoring
- 120 2022/23 to 2026/27 Strategic Service Planning & Medium Term Financial Plan
- 122 2020/21 Annual Performance Outcome Report
- 124 Response & Resilience Strategy 2021-2025
- 125 Prevention & Protection Strategy 2021-2026
- 126 Fleet & Equipment Management Strategy

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- 127 Responsible Procurement Policy
- 128 Local Council Tax Reduction Schemes Consultation on proposed changes for 2022/23
- 129 Review of the Constitution of the Fire Authority
- 131 Project 21 – Section 16 Agreement

RESOLVED – That all other reports be approved according to the recommendations as set out. The Authority noted that there had been paragraphs incorrectly inserted into the draft Strategy Document at item 123 and approved the substitution of the correct text.

56 Revenue & Capital Budget 2021/22 and Capital Programme 2021/22 - 2025/26 Monitoring

The Fire Authority received the report of the Assistant Director Resources/Treasurer (ADR/T) presenting Members with the findings of the Month 4 monitoring undertaken on the Revenue and Capital Budget 2021/22 and Capital Programme 2021/22 to 2025/26. The ADR/T explained this was the first report to the Fire Authority for the financial year. A net revenue overspend had been identified which was a favourable variation of £46,000 from the previous position. This was mainly due to a forecast overspend in Operational Planning & Policy and over budgeting on S31 business rates retention offset by identification of savings in the Resources/Treasurer directorate and underspends within Safer Communities. Most in-year pressures would be dealt with either through the use of contingency, use of reserves or service underspends.

The ADR/T explained that the Revenue and Capital risks had been highlighted in the report. These included the reprofiling of the Estates Strategy and the schemes associated with it. Progress had unavoidably been impacted by Covid-19, however, the time had been used efficiently to engage with colleagues and the Service was now in the position to go out to tender for the refurbishment of four of its whole-time stations. There was an additional risk to this process as Brexit and Covid-19 were both causing supply chain issues and had pushed up prices worldwide. As a result of this there was a risk that tenders could exceed the scheme budgets.

Members asked why Preston Circus fire station had not been included in the first round of development tenders. The ADR/T explained that tendering for works at Preston Circus would be carried out separately due to a delay at the station caused by resolving an operational access issue. A viewing had taken place of Dyke Road Barracks as it would be necessary to construct a temporary operational Fire Station for the duration of the building works at Preston Circus. The design team was working on proposals and costs including renewed consideration of uses for the second floor as office rental may no longer be a viable option due to the changes in office use resulting from Covid-19. The new timeline for Preston Circus would be shared as soon as it was available. The Lead Member – Estates added that the coordinated policy on Estates was an excellent achievement and was very positive going forward.

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RESOLVED - The Fire Authority agreed to note:

- i. the risks to Revenue Budget and the projected overspend;
- ii. the risks to the Capital Programme;
- iii. the increased net forecast drawdown from reserves;
- iv. the grants available and spending plans;
- v. the monitoring of savings taken in 2021/22;
- vi. the current year investments and borrowing; and
- vii. SLT approval to transfer £39k travel and fuel underspend to Corporate Contingency as detailed in paragraph 6.3

57 2022/23 to 2026/27 Strategic Service Planning and Medium Term Financial Plan

The Authority considered the report of the Assistant Director Resources/Treasurer (ADR/T) seeking approval to roll forward the Fire Authority's medium term service planning strategy and medium-term financial plan for 2022/23 to 2026/27. Whilst the main purpose of the report was to set the financial context for the service planning process, through an update to the Medium-Term Finance Plan (MTFP), the fundamental aim was to determine how best to deliver the Authority's Purpose and Commitments, the IRMP and the targets and priorities underpinning them, within the current estimate of available financial resources for the period.

The ADR/T explained to the Authority that this report was an opening position for the Budget setting process. The report highlighted the level of uncertainty there was with the current financial situation which had increased as a result of the current Covid-19 pandemic. The fire sector had made a strong submission to the Government's Comprehensive Spending Review, but the timetable remained unclear and it was unlikely that the outcome would be known until the autumn with a provisional settlement expected in late December. It was possible given the broader economic uncertainty that the Government would opt for a further one-year settlement which would not aid planning over the medium term. Nationally the sector was reliant on significant one-off funding investment in protection services, and locally forecasting growth in income from Council Tax and Business Rates remained limited. This made planning for the 2022/23 budget and beyond extremely difficult.

It was proposed that the existing MTFP be rolled forward and the report demonstrated the best, worst and mid case scenarios that were facing the Authority. The key issues that the Authority needed to consider and provide guidance to officers for were the provision for future pay awards, currently 2.5% although the sector norm was currently 2%, therefore there was synergy in reducing the provision in the budget. The second point for consideration at

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this meeting was the flexibility on setting the Council Tax precept, currently this was limited and Fire Authorities were once again seeking permission to be able to set up to £5 as a rise rather than 2%, this had been turned down by Government when requested by the sector last year.

Members thanked the ADR/T for the report and suggested that a briefing be held to provide local MPs with an update on ESFRS financial situation and in particular to request support with the lobbying to government for long-term funding to be provided in the CSR. Officers confirmed that a briefing had been arranged with MPs in October. Some Members agreed they would like the option to increase the Council Tax precept by £5 rather than the current permitted 2% but felt it was unlikely to succeed as a request. Some expressed concern that the current pressures on pay would likely get worse rather than plateau.

Clarification was given by the ADR/T to Member queries as to why future Climate risks were not included in this report, it was highlighted that those risks presented were, in the main, specifically financial. The CFO reassured those present that ESFRS was acutely aware of the effects of extreme weather and that there was a correlation between the financial planning and the cost of responding, indeed responses to these events were too quickly becoming business as usual, but these risks were detailed within other service documentation including the Integrated Risk Management Plan, the Risk Register and the Strategic Risk Framework and there was a clear link to these documents within this paper and therefore were not duplicated in full.

There was a request from Members to take the recommendations for this report separately. All four recommendations were agreed by a majority, but recommendation (iv) was abstained on by the three Green Party members.

RESOLVED – The Fire Authority:

- i. approved the updated Medium Term Financial Plan for 2022/23 to 2026/27 and its underlying assumptions;
- ii. considered the risks set out in section 4.6;
- iii. agreed that the provision for future pay increases should be reduced to the sector average of 2% pa;
- iv. agreed that, should the Government set the referendum threshold higher than 2% or grant more flexibility, then the Fire Authority would consider its options above the 1.99% increase currently modelled when setting its Council Tax precept.

58 Treasury Management - Stewardship for 2020/21

The Fire Authority received the report of the Assistant Director Resources/Treasurer (ADR/T), the Annual Treasury Management Stewardship Report was a requirement of the Fire Authority's reporting

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procedures and informed Members of Treasury Management performance and compliance with Prudential Indicators for 2020/21.

The report summarised that the Fire Authority had complied with its approved Treasury Management Strategy and Prudential Indicators for the year. The average rate of interest received in 2020/21 through Treasury Management Activity was 0.41% which reflected the Fire Authority's continuing prioritisation of security and liquidity over yield. No new borrowing had been undertaken and one loan had been repaid during the year. The Fire Authority had reviewed options to invest a portion of core balances in longer duration funds during the setting of the 2020/21 Strategy. Decisions on investment had been taken in the context of the current economic climate, the current approved capital programme and the requirement to fund it over the medium term. No investment in longer duration funds had been made during the year. The current economic climate was evolving rapidly and opportunities were being explored to secure investment returns within the acceptable risk parameters set out in the Authority's agreed strategy.

RESOLVED – The Fire Authority noted the Treasury Management Performance for 2020/21.

59 2020/21 Annual Performance Outcome Report

The Fire Authority received the report of the Assistant Director Planning & Improvement (ADP&I) which provided Members with details of East Sussex Fire & Rescue Service's (ESFRS) performance for the period April-March 2020/21. In total there were 21 indicators, but only 16 had comparable data due to the Covid-19 pandemic requiring the Service to adapt service delivery models including telephone home safety visits and business safety audits. Eleven of the top-level indicators had improved or met the target set in 2020/21 (69%), two indicators had stayed the same and three had declined against the previous year.

The ADP&I informed the Authority that the report showed positive performance in particular the continued reduction in incidents including Accidental Dwelling Fires (ADFs). There had been some different delivery methods developed over the past year in response to the Covid-19 pandemic including 7000 Home Safety Interactions which had to be conducted in a new way.

Members were impressed by ESFRS approach to performance and thanked officers for the comprehensive report, congratulating them on maintaining such steady performance outcomes under such trying circumstances. There was a discussion about whether some of these new methods, particularly those involving hybrid Home Safety Visits (HSVs), might be continued going forward. The Assistant Director Safer Communities (ADSC) confirmed that officers were looking at positive outcomes arising from the new working practices formed in response to Covid-19 including virtual HSVs and befriending calls. It was not intended that things would just return to how they had been done before and that ESFRS was contributing to National pilots of alternative procedures.

RESOLVED - The Authority considered and approved:

- i. The performance results and progress made towards achieving the Service's purpose and commitments; and
- ii. The performance results and remedial actions that had been taken to address areas of under performance in the Fire Authority's priority areas.

60 Communications, Engagement & Consultation Strategy 2021-2024

The Fire Authority considered the report of the Assistant Director Planning & Improvement (ADP&I) seeking approval from the Fire Authority for the draft Communications, Engagement and Consultation Strategy 2021-24.

The Communications, Engagement and Consultation Strategy 2021-24 had been developed in support of ESFRS's Purpose and Commitments, Integrated Risk Management Plan and Fire Authority Strategies. The deliverables within the strategy were compiled with consideration of the findings from Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) 2019 Inspection and the HMICFRS State of the Fire and Rescue Service Report published in March 2021.

The Authority noted that there had been a textual transposition error within the document and noted the paragraphs would be corrected in the final strategy document prior to publication.

RESOLVED – The Fire Authority agreed to:

- i. approve the draft Communications, Engagement and Consultation Strategy 2021-24; and
- ii. approve the additional one-off funding of up to £30,000 required in 2023/24.

61 Non-confidential Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 15 June 2021 be approved and signed by the Chairman. (*Copy in Minute Book*)

62 Response & Resilience Strategy 2021-2025

The Fire Authority received the report of the Assistant Chief Fire Officer (ACFO) seeking approval for the Response & Resilience Strategy 2021-25. The strategy had been developed collaboratively with the Integrated Risk Management Plan (IRMP) and the Corporate Plan. The deliverables with the strategy also took into consideration the findings of the HMICFRS 2019 Inspection, the HMICFRS State of Fire and Rescue Service Reports published in January 2020 and March 2021 and the Grenfell Tower action plan. To deliver and implement all the component parts of the strategy it was

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indicatively costed at £22,500, however, there were several business cases that needed to be considered, which may require further investment.

The Assistant Director Operational Support & Resilience (ADOSR) explained this was an important strategy describing how ESFRS met its statutory responsibilities and dealt with risks. It had a four-year delivery plan and connected with the IRMP, Project 21 as well as the findings of the HMICFRS inspection.

Members thanked officers for the report and strategy document. There was a query as to why the Grenfell report outcomes were not embedded. The ADOSR explained that the Grenfell report had launched over 700 lines of activity and there was significant work being undertaken to ensure that grant money was being spent effectively. The ADR/T added that there was a requirement to spend grants on specific purposes it was expected that the resulting investment plan would cost more than the value of grants available and that currently the government were providing only one-off funding longer complicating longer term planning.

RESOLVED – The Fire Authority agreed to:

- i. approve the Response & Resilience Strategy 2021-2025;
- ii. note that additional funding bids to support the delivery of this strategy would be considered as part of the 2022/23 Budget Setting process and included in the budget papers presented to the Fire Authority in February 2022;
- iii. note that a further paper would go to SLT in October specifically in relation to the Grenfell tower Action Plan which may require additional resources for an agreed period;
- iv. note that an Outline Business Case would be developed in 2022/23 financial year for in-cab technology and that this would require additional funding; and
- v. note that regular reports on the delivery of the Response & Resilience Strategy would be presented to both the Operations Committee and then to SLT.

63 Prevention & Protection Strategy 2021-2026

The Fire Authority considered the report of the Assistant Chief Fire Officer (ACFO) seeking approval for the Prevention & Protection Strategy 2021-2026. The strategy had been developed collaboratively with the Integrated Risk Management Plan (IRMP) and the Corporate Plan. The deliverables with the strategy also took into consideration the findings of the HMICFRS 2019 Inspection, the HMICFRS State of Fire and Rescue Service Reports published in January 2020 and March 2021 and the Grenfell Tower action plan. To deliver and implement all the component parts of the strategy there was an indicative cost of £357,000.

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The Assistant Director Safer Communities (ADSC) advised the meeting that this strategy had been created in synergy with the Response & Resilience Strategy and sought to embed a holistic approach to risk reduction based on improvements recommended by the HMICFRS Inspection report. These included how ESFRS protected the public through fire regulation and how it allocated resources to risk. It also considered external change drivers articulated in the strategy and ESFRS's own internal change drivers including the integrated Risk Management Plan. Every Fire & Rescue Service was expecting a level of funding to assist with improvements in Protection, but this had not yet been confirmed. The ADSC explained that the five-year action plan for Prevention would be delivered from the base budget with no new money requested. Regarding Protection, there were some areas highlighted for additional funding requirements if the Service were to deliver all that was set out in the strategy. The ADR/T added that this funding was not contained in the MTFP but would be considered through the autumn and officers would find a way to deliver the funding required. The one-off government grants that had been allocated to ESFRS and the additional costings were to secure the continuing costs of six trainees once the government grant had been exhausted.

RESOLVED – The Fire Authority agreed to:

- i. approve the Prevention & Protection Strategy 2021- 2025;
- ii. acknowledge the additional cost of £357,755 if the full strategy was implemented in the absence of any further funding from central government for Protection;
- iii. note that additional funding bids to support the delivery of this strategy would be considered as part of the 2022/23 Budget Setting process and included in the budget papers presented to the Fire Authority in February 2022; and
- iv. note that regular reports on the delivery of the Prevention & Protection Strategy will be presented to SLT.

64 Fleet & Equipment Management Strategy

The Fire Authority considered the report of the Assistant Chief Fire Officer (ACFO) seeking approval for the Fleet & Equipment Strategy 2021-2025. The strategy had been developed to support ESFRS's Purpose and Commitments, Integrated Risk Management Plan and Fire Authority strategic planning process. The deliverables within the draft strategy took into consideration findings from the East Sussex Fire and Rescue and West Sussex County Council Collaborative Fleet Operations report dated January 2020 and the Internal Audit Report into the Management of Assets across the Service in which improvements were required. The report further explored the four-year action plan to secure improvements across the engineering function and highlights four key themes of focus.

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The Assistant Director Operational Support & Resilience (ADOSR) informed the Authority that this strategy had been in development for some time and that it sought to ensure that the Service had a resilient and robust approach to its Fleet and Equipment and had been co-designed with strategic managers and staff within the fleet and engineering department. The ADOSR assured the Authority that the work on the strategy had also focussed on matters that had been raised by Internal Audit.

Members thanked officers for the strategy document, there was a query as to whether we anticipated that improved telematics might lead to the Service reducing its CO2 emissions. Officers confirmed that whilst this would not be achievable at this stage, the Sustainability group were considering this as part of their workstream and a report would be sent to the December meeting of the Fire Authority.

RESOLVED – The Fire Authority agreed to approve the draft Fleet & Equipment Management Strategy 2021-24.

65 Responsible Procurement Policy

The Fire Authority considered the report of the Assistant Director Resources/Treasurer (ADR/T) seeking approval for the adoption and implementation of a Responsible Procurement Policy. Responsible Procurement is the act of procuring goods, services, or works in a manner considerate of the impact, both positive and negative, that the Authority may have on the environment, the economy, our community and society in general. The ESFRS policy aimed to support our collective responsibility to limit any negative impact and promote the Authority's commitment to deliver responsible and sustainable outcomes in the management and delivery of all its services, through affordable economic, social and environmental objectives.

Members thanked officers for the report and considered the policy to present a good and reasonable procurement programme. There were some queries as to whether responsible procurement should also extend to ensuring that financial investments were made to ethical and sustainable institutions. The ADR/T clarified that the Treasury Management policy, agreed by the Fire Authority, set out the rules of financial investment, the primary objectives for short term cash balances being to ensure security and liquidity. The Fire Authority had not, to date, requested that this policy be looked through a sustainability lens, but the ADR/T confirmed that he would consider this request and update Members at a future date.

RESOLVED – The Fire Authority agreed to:

- i. approve the Responsible Procurement Manual Note; and
- ii. requested further information on the separate matter of ethical and sustainable investment opportunities.

66 Local Council Tax Reduction Schemes Consultation on proposed

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changes for 2022/23

The Fire Authority considered the report of the Assistant Director Resources/Treasurer (ADR/T) seeking Member agreement to the proposed responses to consultations by local billing authorities on proposed changes to their Local Council Tax Reduction Schemes (LCTRS) for 2022/23.

The ADR/T explained that Billing authorities were required to review their LCTRS annually and to consult publicly on any proposed changes. Precepting authorities were statutory consultees in this process but the decision to set or change a LCTRS rested solely with each billing authority. Lewes and Rother District Councils were consulting on changes to their LCTRS for 2022/23. Confirmation was awaited from Brighton & Hove City Council as to whether it planned to consult on any changes. The report set out the financial impact of the proposed changes and the proposed response from the Fire Authority to each consultation.

Members felt that they could do nothing but support the proposed responses and wanted to ensure that there were regular meetings and correspondence with MPs to highlight the urgent need for increased funding to all Local Authorities and precepting bodies.

RESOLVED – The Fire Authority agreed to:

- i. note the proposed changes to LCTRSs; and
- ii. approved the Authority's responses to the consultations as set out at paragraphs 1.11 and 1.13 of the report.

67 Review of the Constitution of the Fire Authority

The Fire Authority considered the report of the Monitoring Officer (MO) informing Members of the progress of the second stage of the review into the Fire Authority's constitutional arrangements and setting out proposed amendments. The Deputy Chief Fire Officer (DCFO) advised Members that Stage 2 of the project to review and update the Authority's constitutional arrangements was complete and this report presented some substantial amendments and updated sections. It had not been possible to complete the review of all sections of the Constitution and a further set of proposed changes was anticipated to be brought to the Authority in December 2021.

The DCFO notified those present to a textual error within the membership of the Principal Officers Appointments Panel in the version that had been circulated, this error had been corrected to state that an additional member was appointed from the "majority/largest" party.

Members were content with the proposed changes but had some queries prior to approval of the resolutions. Some Members felt that the authorisation amount of £1m given to the Chief Fire Officer (CFO) under the Emergency Procedures was too high. The CFO explained that this authorisation was associated with the exigencies of operational emergencies in particular the

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enacting of the National Coordination and Advisory Framework (NCAF). The probability of needing to exercise this authorisation was very low, however in the event of an incident of the nature of Grenfell Tower or the Derbyshire Dam burst, the CFO would not expect to have to come to the Fire Authority Members to enact NCAF during an incident. The CFO reminded Members that this was not one of the proposed amendments within this report and that it had been in place, as agreed by the Fire Authority, for approximately 15 years. The Treasurer added that as an Authority appointed Statutory Officer, he was satisfied with this authorisation limit and it was not cause for concern. The CFO could only act on this authorisation in consultation with the Treasurer, who had a fiduciary duty to the Fire Authority and Council Taxpayers and that an Urgency Panel would always be convened as soon as possible after such an event. Members thanked officers for their explanation and confirmed that they did not want to make any changes that would inhibit the CFO from doing what was necessary in an emergency and were satisfied with the reasons for the amount set.

Members requested an additional change to the Terms of Reference for the Principal Officer Appointments Panel (POAP) allowing panel members to be involved in the shortlisting of the posts of DCFO and Treasurer as well as the CFO as currently detailed. The DCFO explained that this had been the situation in the past and it had been changed to remove this requirement some years ago as Members had previously been unable to meet and delegated shortlisting to the CFO. There were concerns that if a quorum could not be achieved then the recruitment process would be delayed. Members asked if this shortlisting could be conducted virtually, the Deputy Monitoring Officer (DMO) confirmed that the current law governing Authority meetings would not permit this so any shortlisting would have to take place in person. The Authority accepted this and still wanted shortlisting to be conducted by the POAP, a resolution to this effect was added prior to the Authority agreeing the report.

RESOLVED – The Fire Authority agreed to:

- i. approve with immediate effect the changes to the East Sussex Fire Authority's Constitution outlined in section 2 of this report, and in Appendices A to I inclusive;
- ii. amend the Terms of Reference for the Principal Officer Appointments Panel to add that the Panel be involved in shortlisting for the posts of Deputy Chief Fire Officer and Treasurer, such change not to come into effect until the conclusion of the current DCFO selection process;
- iii. authorise the Authority's Chief Fire Officer & Chief Executive to take all steps necessary or incidental to the implementation of the changes agreed by the Authority, and to amend and re-publish the constitutional documents to reflect those amendments; and
- iv. note the intention to bring a further report to the Fire Authority in December 2021 proposing additional updates to the Constitution.

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68 Exclusion of the Press & Public

RESOLVED: That agenda item no. 131 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 are not open for public inspection on the following grounds: they contain information relating to the financial or business affairs of any particular person (including the authority holding that information).

69 Project 21 - Section 16 Agreement

The meeting concluded at 1.06 pm

Signed

Chairman

Dated this

day of

2019