

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, 9 December 2021.

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

Also present: D Whittaker (Chief Fire Officer & Chief Executive), Mark O'Brien (Deputy Chief Fire Officer), D Norris (Deputy Chief Fire Officer), M Matthews (Assistant Chief Fire Officer), A Ghebre-Ghiorghis (Monitoring Officer), D Savage (Assistant Director Resources/Treasurer), L Woodley (Deputy Monitoring Officer), L Ridley (Assistant Director Planning & Improvement), M Lloyd, J Olliver, V Simpson and A Blanshard

70 Declarations of Interest

There were none

71 Apologies for Absence

Apologies were received from Councillors Powell and Scott

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

The Chairman informed the Fire Authority of the death of former member Jon Freeman who had been much valued during his time on the Authority. The Fire Authority offered their sincere condolences to his family.

As this was the last meeting to be attended by the current Deputy Chief Fire Officer (DCFO), on behalf of the Fire Authority and East Sussex Fire & Rescue Service the Chairman thanked Mark O'Brien for his many years dedicated service. On joining the Service in 1991 he spent his first few years as a firefighter at Preston Circus and as leading fire fighter at Hastings. Following a number of other roles within the Service Mark was appointed as DCFO in 2018. The Fire Authority thanked Mark for his contribution to the Service, his assistance to the Authority and its Panels and wished him the very best for his retirement.

The Chairman welcomed Dave Norris to his first Fire Authority meeting following his appointment as the Service's new Deputy Chief Fire Officer. Dave has a wealth of experience and the Fire Authority wished him a very warm welcome and were looking forward to working together.

73 To consider any public questions

There were none

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74 To receive any petitions

There were none

75 Non-confidential Minutes of the Previous Meeting

RESOLVED: That the non-confidential minutes of the meeting on 2 September 2021 be approved.

76 Callover

Members reserved the following items for debate:

- 139 HMICFRS Self Assessment
- 140 Appointment of External Auditors
- 141 Review of the Constitution of the Fire Authority – Members Code of Conduct and associated Guidance, Procedure and Officer Delegations
- 144 Emerging Issues with Immediate Detriment

77 HMICFRS Self Assessment

The Fire Authority considered the report of the Assistant Director Planning & Improvement (ADP&I) which presented the self-assessment document completed as part of Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection process 2022 for Fire Authority approval.

The DCFO explained that in preparation for the inspection a self-assessment document, limited to 1500 words, was required as a key part of the process. The proposed document for submission to HMICFRS was attached to the report at Appendix A. It had been compiled by the Senior Leadership Team to answer the questions that had been posed by HMICFRS. The template was more focused than for previous inspections and Services were requested to comment only on developments since the last inspection.

Members thanked officers for the draft text and were pleased with the preparatory work being undertaken in anticipation of the inspection. It was felt that the HMICFRS would likely adapt their processes after the earlier tranches and that monitoring this and gaining intelligence from colleagues at neighbouring FRS would be advantageous.

The DCFO added that whilst the self-assessment addressed the necessary information, there was still a degree of work to be completed with regards to the findings of the first inspection, including responding to the new Fire Standards. This was being monitored to ensure that fire standards were being implemented in the Service.

Members raised some queries regarding additional focuses, including the monitoring of climate-based response needs and reference to the additional lead member role of Sustainability. The DCFO explained that this statement

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was required to specifically address the existing requirements of the first inspection of ESFRS, but that there would be an opportunity to add more information late on in the process.

RESOLVED: That the Fire Authority approved the 2022 HMICFRS inspection self-assessment to be submitted to HMICFRS as part of round two of the inspection process in January 2022.

78 Appointment of External Auditors

The Fire Authority considered the report of the Assistant Director of Resources/Treasurer (ADR/T) setting out proposals for appointing the external auditor to the Authority for the accounts for the five-year period from 2023/24.

The Authority's current contract with PSAA (Public Sector Audit Appointments) for the appointment of external auditors was due to expire on 31 March 2023. The report set out the requirement to comply with appointment legislation and recommended the Authority continued to appoint through PSAA. Current indications were that other local authorities in East Sussex and most other fire authorities would also opt into PSAA. The other possible routes would be to appoint alone or as a consortium with others but both of these presented problems.

The ADR/T explained that Audit fees have increased, partly due to the increased regulation of Auditors, changes in accounting standards increasing workloads and difficulties in recruiting staff to deliver public sector audits. There was the potential that fees would rise through the re-procurement, but as mitigation of this the Fire Authority had already approved an increased budget. Whilst increases in costs were never welcome the ADR/T understood why they were being passed on and it remained his recommendation that the Fire Authority remained with PSAA.

The Authority heard from members of the Scrutiny & Audit Panel, who had discussed this matter at length at their last meeting, they confirmed that they remained concerned by the scale of the fee increases but understood the explanations that had been given. It was regrettable that there were such restrictions on those providers that could be considered and there was a suggestion that it be raised formally through the Local Government Association.

The Chief Fire Officer (CFO) offered to raise it with the National Fire Chiefs Council (NFCC) and seek the views of other CFOs. She added that whilst the fee variation proposed by EY was significant, the PSAA model had accepted the concerns and representations made to it and had reduced the amount that EY could request. This demonstrated that the system was working with regards to assessing whether changes are fair.

RESOLVED: The Fire Authority agreed to:

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(i) accept Public Sector Audit Appointments' (PSAA) invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023; and

(ii) delegate authority to the Assistant Director Resources/Treasurer to put in place any arrangements necessary to give effect to this decision.

79 Review of the Constitution of the Fire Authority - Members Code of Conduct and associated Guidance, Procedure and Officer Delegations

The Fire Authority considered the report of the Monitoring Officer (MO) reporting on the third stage of the review of the Fire Authority's constitutional arrangements and proposing further amendments to the Member's Code of Conduct and associated Guidance, Procedure and Officer Delegations for publication in the Authority's Constitution. The DCFO highlighted the considerable work that had been done on the proposed amendments and hoped that Members felt they represented a clear update and improvement.

Members thanked officers for the report and the considerable work undertaken. It was suggested that an alteration be made to refer to the expectation that confidentiality be maintained after a member leaves office as opposed to ending when they cease to be a member of the Fire Authority. The Authority agreed to this proposal. It was further agreed that those Members who were appointed to the LGA would raise this with them given the proposed wording had been based on the LGA's Model Code of Conduct document.

Members queried whether it was clear enough that any complaints must be specifically about conduct in their role as a Councillor and that all members had the right to a private life. The Senior Lawyer confirmed that there was extensive caselaw supporting elected representatives right to a private life and was amenable to change the wording of this section to reflect this with more clarity. The Fire Authority agreed to the incorporation of that amendment also.

There was also a suggestion that a slight change be made regarding social media and the potential issues that surrounded having two separate accounts as for some platforms this would potentially be a breach of their guidance. The Senior Lawyer confirmed that they were happy to make this amendment to reflect the need to adhere to the rules of the platform in use. The Fire Authority agreed to this change.

There was also a query regarding the training of FA Members on the use of social media. The CFO confirmed that whilst there was a brief session given to FA Member as part of their induction programme specifically regarding Fire & Rescue matters, the wider agreement for training was that it would be conducted by the Constituent Authorities.

RESOLVED: That the Fire Authority agreed to:

1. approve with immediate effect the changes to the East Sussex Fire Authority's Constitution outlined in section 2 of

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the report, and in Appendices A to D inclusive, with the addition of two minor amendments to the wording of the Code and one to the Guidance, all three of which were indicated to officers and agreed at the meeting

2. 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
3. note the intention to bring a further report to the Fire Authority in February 2022 proposing additional updates to the Constitution in the form of revisions to the Authority's Financial Regulations.

80 Exclusion of the Press & Public

RESOLVED: That agenda items 143 and 144 be exempt under paragraphs 2 and 3 of Part 1 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: that they contain information that may reveal the identity of an individual and information relating to the business affairs of the Fire Authority.

81 Confidential Minutes of the previous meeting

RESOLVED: That the confidential minutes of the meeting held on 2 September 2021 be approved.

82 Emerging Issues with Immediate Detriment

The meeting concluded at 11.35 am

Signed

Chairman

Dated this

day of

2022