

# Fire Authority

## 9 December 2021



### Membership:

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

**You are requested to attend this meeting to be held in the Council Chamber, County Hall, East Sussex County Council, St Anne's Crescent, Lewes at 10.30 am**

**IMPORTANT INFORMATION:** *Due to ongoing Covid-19 restrictions at ESCC County Hall attendees will be greeted at reception before registering their arrival and being issued with facemasks and hand-gel. Attendees will be required to maintain social distancing at all times during the meeting and whilst inside County Hall.*

**Quorum: 6**

<b>Contact:</b>	Abigail Blanshard - Democraticservices@esfrs.org
-----------------	--

## Agenda

### 132. Declarations of Interest

In relation to matters on the agenda, seek declarations of interest from Members, in accordance with the provisions of the Fire Authority's Code of Conduct for Members.

### 133. Apologies for Absence

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

Any Members wishing to raise urgent items are asked, wherever possible to notify the Chairman before the start of the meeting. In so doing they must state the special circumstances which they consider justify the matter being considered urgently

### 135. To consider any public questions

### 136. To receive any petitions

- 137. Non-confidential Minutes of the Previous Meeting** **5 - 16**  
To approve the Non-confidential Minutes of the last meeting held on 2 September 2021
- 138. Callover**  
The Chairman will call the item numbers of the remaining items on the open agenda. Each item which is called by any Member shall be reserved for debate. The Chairman will then ask the Fire Authority to adopt without debate the recommendations and resolutions contained in the relevant reports for these items which have not been called.
- 139. HMICFRS Self Assessment** **17 - 30**  
Report of the Assistant Director Planning & Improvement
- 140. Appointment of External Auditors** **31 - 46**  
Report of the Assistant Director Resources/Treasurer
- 141. Review of the Constitution of the Fire Authority - Members Code of Conduct and associated Guidance, Procedure and Officer Delegations** **47 - 96**  
Report of the Monitoring Officer
- 142. Exclusion of the Press & Public**  
To consider whether, in view of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the remainder of the meeting on the grounds that, if the public and press were present, there would be disclosure to them of exempt information.
- Note:** Any item appearing in the confidential part of the Agenda will state the category under which the information disclosed in the report is confidential and therefore not available to the public.
- 143. Confidential Minutes of the previous meeting** **97 - 98**  
To approve the Confidential Minutes of the last meeting held on 2 September 2021
- 144. Emerging Issues with Immediate Detriment** **99 - 108**  
Report of the Assistant Director People Services

**ABRAHAM GEBRE-GHIORGHIS**  
**Monitoring Officer**  
**East Sussex Fire Authority**  
**c/o Brighton & Hove City Council**

Date of Publication: 1 December 2021

## Information for the public

East Sussex Fire and Rescue Service actively welcomes members of the public and the press to attend public sessions of its Fire Authority and Panel meetings.

If you have any particular requirements, for example if you require wheelchair access or an induction loop, please contact [democraticservices@esfrs.org](mailto:democraticservices@esfrs.org) for assistance.

Agendas and minutes of meetings are available on the East Sussex Fire & Service website: [www.esfrs.org](http://www.esfrs.org).

## 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

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

- 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.

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

**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

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

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



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

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.

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

**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

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

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.

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

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.

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

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**

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

### **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

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

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.

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

**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



**EAST SUSSEX FIRE AUTHORITY**

**Date** 9 December 2021

**Title of Report** HMICFRS Self-Assessment 2022

**By** Liz Ridley, Assistant Director Planning & Improvement

**Lead Officer** Liz Ridley, Assistant Director Planning & Improvement

---

**Background Papers** Her Majesty’s Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) – Result of the Mock Inspection undertaken March 2021 and an update on the Service’s activity in relation to the next round of inspections- 27 May 2021

East Sussex Fire and Rescue position statement and self-assessment in preparation for the Service HMICFRS inspection- 22 January 2019

HMICFRS Public perception survey- 11 December 2019

HMICFRS Update Summary - 20 September 2018

HMICFRS inspection preparations - 22 March 2018

---

**Appendices** Appendix A ESFRS Self-Assessment

---

**Implications (please tick ✓ and attach to report)**  
*Any implications affecting this report should be noted within the final paragraphs of the report*

<b>CORPORATE RISK</b>		<b>LEGAL</b>	✓
<b>ENVIRONMENTAL</b>		<b>POLICY</b>	
<b>FINANCIAL</b>		<b>POLITICAL</b>	
<b>HEALTH &amp; SAFETY</b>		<b>OTHER (please specify)</b>	
<b>HUMAN RESOURCES</b>		<b>CORE BRIEF</b>	

---

**PURPOSE OF REPORT** To present the self-assessment completed as part of Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection process 2022 for approval.

---

**EXECUTIVE SUMMARY** This report presents the self-assessment document which is a key part of the fire and rescue service inspection process. The self-assessment has been compiled by the Senior Leadership Team to answer the questions provided by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). The template is more focused than for previous inspections and Services are asked to comment only on developments since the last inspection.

The document attached as Appendix A is limited to 1,500 words and Services must answer the following questions:

- What key changes have there been for your FRS since the round 1 inspection – e.g., governance, funding, staffing?
- What action has the service taken in response to any areas for improvement identified during the last inspection (round 1)?
- What are your FRSs priorities for the coming year?
- What action is the service taking in response to the Covid-19 inspection report?
- Please include any other information that you feel would be useful to the inspectors to provide context for the operation of the FRS and its current performance.

---

**RECOMMENDATION** That the Fire Authority approve the 2022 HMICFRS inspection self-assessment which will be submitted to HMICFRS as part of round two of the inspection process in January 2022.

---

## **1. INTRODUCTION**

- 1.1 East Sussex Fire & Rescue Service (ESFRS) was last inspected in June 2019 as part of the first round of Fire and Rescue Service inspection by HMICFRS and again in November 2020 as part of a Covid inspection. Round two of the full FRS inspection had been due to take place in 2020 but was postponed due to the pandemic. ESFRS is in the third tranche of inspections. The dates for the next inspection were released on 26 October. ESFRS is due to be inspected w/c 13 June 2022, for a period of 6 weeks.
- 1.2 The first part of the inspection process is the provision of a range of documents requested by HMICFRS and a self-assessment. These have to be provided to the Inspectorate between the w/c 24 January 2022 and the w/c 21 February 2022.
- 1.3 The self-assessment is a key initial phase of fire and rescue service inspection. The self-assessment template is more focused than for round one of the inspections in 2018, with Services asked to comment only on developments since the last inspection, limited to 1,500 words and only in relation to the following questions:
- What key changes have there been for your FRS since the round 1 inspection – e.g., governance, funding, staffing?
  - What action has the service taken in response to any areas for improvement identified during the last inspection (round 1)?
  - What are your FRSs priorities for the coming year?

- What action is the service taking in response to the Covid-19 inspection report?
- Please include any other information that you feel would be useful to the inspectors to provide context for the operation of the FRS and its current performance.

The self-assessment will be used to develop a presentation for the strategic briefing, which was due to take place in the first week of the inspection week commencing 13 June 2022.

1.4 Guidance from the HMICFRS service liaison lead is that the self-assessment should remain within the 1,500 word limit and be written to signpost the areas that can be expanded on in the strategic briefing, bullet points are acceptable to signpost the key areas of work that Services wish to highlight. The word count is 1,553, just over the 1,500 limit. It has been written so that each of the 17 areas for improvement are answered, albeit briefly and in numerical order.

1.5 The seventeen areas for improvement which have been answered in question 2 are as follows:

- AFI 1 - The service should ensure its firefighters have good access to relevant and up-to-date risk information.
- AFI 2 - The service should ensure it shares risk information consistently across the service.
- AFI 3 - The service should ensure it carries out home safety visits in a timely manner.
- AFI 4 - The service should evaluate its prevention work, so it understands the benefits better.
- AFI 5 - The service should ensure that its risk-based inspection programme targets its highest-risk premises.
- AFI 6 - The service should ensure it addresses effectively the burden of fire false alarms.
- AFI 7 - The service should ensure it has effective arrangements for providing specialist protection advice out of hours.
- AFI 8 – The service should improve the availability of its on call fire engines to respond to incidents.
- AFI 9 – The service should ensure firefighters have good access to relevant and up-to-date risk information (Responding).
- AFI 10 - The service should ensure firefighters have good access to relevant and up-to-date risk information including cross-border risks.

- AFI 11 - The service should ensure it is well-prepared to form part of a multi-agency response to a terrorist-related incident and that its procedures for responding are understood by all staff and are well tested.
- AFI 12 - The service needs to ensure that it allocates its resources appropriately and prioritises activities that address the risks identified in its integrated risk management plan.
- AFI 13 - The service should make sure its values and behaviours are understood and demonstrated by all staff.
- AFI 14 - The service should have effective means to monitor the working hours of its staff.
- AFI 15 - The service should develop a workforce plan that takes full account of the necessary skills and capabilities it needs to carry out its integrated risk management plan.
- AFI 16 - The service should ensure it takes timely action in response to feedback or concerns from its staff.
- AFI 17 - The service should ensure it has mechanisms in place to manage and develop talent within the organisation.

1.6 The self-assessment is attached at Appendix A and will be submitted to the HMICFRS in January.

1.7 Prior to the inspection, an HMICFRS staff survey will be shared with staff and the inspectorate also has a confidential reporting line which anyone can use to share information with them. A public survey is also part of the process.

1.8 The six-week inspection will consist of interviews with the Chairman of the Fire Authority, the Chief Fire Officer, key managers, and partners, plus desk-top reviews of processes and focus groups with a range of staff. There will be more focus in this inspection on equality, diversity, and inclusion and on studying the way in which the Service deals with all aspects of an incident from initial call, through response and any outcomes for prevention, protection, and other departments.

## **2. Legal Implications**

2.1 In May 2016, the Home Secretary established a wide-ranging reform programme for the fire and rescue services in England. This included a proposal to establish a rigorous and independent inspection regime for fire and rescue authorities.

2.2 In July 2017, the Home Office confirmed that HMIC would take on the role of inspecting fire and rescue services in England, and of assessing and reporting on the effectiveness and efficiency of each service. To reflect these new responsibilities, HMIC's name changed to HMICFRS.

2.3 The Policing and Crime Act 2017, which amended the Fire and Rescue Services Act 2004, contains provisions to strengthen existing powers to inspect fire and rescue authorities.

**3. Financial**

3.1 There are no financial implications resulting from this report.

**4. Equality Impact Assessment**

4.2 There are no equality and diversity implications arising from this report.

This page is intentionally left blank

## HMICFRS Fire and Rescue Services (FRS) Inspection 2021/22

### Self-assessment template guidance

Every FRS will be asked to complete a self-assessment as part of the inspection process.

The self-assessment poses a number of general questions to give chief officers an opportunity to give the HMI and the inspection team an insight into the FRS. The self-assessment should also provide some general information about service priorities and current challenges. The assessment should be no longer than 1,500 words in total and cover the high-level strategic issues facing your FRS.

We recommend that each FRS uses the self-assessment as the basis for its presentation at the strategic briefing. We may make a subsequent request to address further specific questions in advance of the strategic briefing.

How to complete the self-assessment:

- Please answer every question.
- Please do not exceed the word limit set out in the template.
- Please do not embed any documents; documents to support the self-assessment will have been provided as part of the document request.
- There is no expectation that the FRS should grade themselves against the judgment criteria.
- HMICFRS anticipates that FRS's will share the assessment with their FRA.

Please return the self- assessment to [HMICFRSInspectionsAdmin@hmicfrs.gov.uk](mailto:HMICFRSInspectionsAdmin@hmicfrs.gov.uk) as part of the document return.

What to include in the self-assessment narrative answer:

- A good self-assessment will highlight the challenges and future plans of the FRS to address any gaps in its provision or performance.
- A good self-assessment will identify areas of strengths as well as areas for improvement and set out the actions being taken to address them.
- A good self-assessment is realistic and sets out the FRS's position using evidence and data to support the assessment.

## HMICFRS Fire and Rescue Services (FRS) Inspection 2021/22 – Self-assessment template

- Please do not embed any documents
- Please do not exceed the word count limits (1,500 words)
- Please refer to the guidance document

### General FRS self-assessment

Please set out a general FRS self-assessment covering the following points:

- What key changes have there been for your FRS since the round 1 inspection – e.g. governance, funding, staffing?
- What action has the service taken in response to any areas for improvement identified during the last inspection (round 1)?
- What are your FRSs priorities for the coming year?
- What action is the service taking in response to the Covid-19 inspection report?
- Please include any other information that you feel would be useful to the inspectors to provide context for the operation of the FRS and its current performance.

Question	FRS Assessment
<p><b>What key changes have there been for your FRS since the round 1 inspection – e.g. governance, funding, staffing?</b></p>	<p>A number of significant changes have occurred since the first inspection in governance. We have five new Fire Authority Members and four new appointments to the Senior Leadership Team. We completed a governance review resulting in a revised constitution. We introduced a number of boards to improve oversight, governance and monitoring of key strategic areas including an Assurance Performance and Governance Group, Strategic Change Board and boards at project level including IRMP and Estates.</p> <p><b>Effectiveness</b></p> <ul style="list-style-type: none"> <li>• Developed, consulted, and agreed an ambitious IRMP based on a comprehensive strategic assessment of risk that has been recognised as good practice by NFCC.</li> <li>• Refreshed organisational strategies to support delivery of the IRMP including: People, Health Safety &amp; Wellbeing; Prevention and Protection; Response and</li> </ul>



	<p>Resilience; Communication, Consultation and Engagement; IT; and Fleet and Equipment.</p> <ul style="list-style-type: none"> <li>• Restructured the Fire Safety Regulation Department and adopted the National competency Framework for Fire Safety Regulators.</li> <li>• Revised the Risk Based Inspection Programme and implemented the Building Risk Review and have made a comprehensive response to the GT1 action plan.</li> <li>• Introduced the NFCC person centred approach across prevention and protection and response and revised supporting policies and procedures.</li> <li>• Adapted service delivery models during the pandemic (2020/21). We visited 2,069 properties and 7,178 telephone HSVs were conducted by community safety staff and crews. Fire-safety visits were also adapted, and 330 telephone high risk inspections were recorded, and 82 operational visits undertaken. A volunteer-led befriending scheme was launched.</li> <li>• Launched Fire Cadet scheme</li> <li>• Implementation of the Fire standards</li> </ul> <p><b>Efficiency</b></p> <ul style="list-style-type: none"> <li>• Delivered new savings of £1.228m</li> <li>• Joined FRIC saving £190,000 pa and moved FPS administration to WYPF</li> <li>• Entered a partnership for Joint Fire Control.</li> <li>• Progressed plans for 5 major station refurbishments for delivery in 2022/23 including sharing accommodation with SECAMB.</li> <li>• Appointed shared head of Estates with Sussex-Police.</li> <li>• Continued to progress One Public Estate programme to improve efficiency and developed a feasibility study for a tri-service facility in Hailsham.</li> <li>• Moved to category strategy approach in our procurement in order to better target savings.</li> <li>• Successfully bid for additional C-19 funding, Community Infrastructure Levy of £289,000 and match funding for LGA Behavioural Insights project – Brighton Tribe which won an IESE award.</li> </ul>
--	---

- Continued to invest and implement major business IT projects including CRM, Firewatch, Business Intelligence, Corporate Wi-Fi, Windows 10, Hydrant Management, Webex, XVR enhancements, mobile phone replacement, station end equipment & modern.gov.
- We have successfully rolled out new MDTs across the whole operational fleet and invested in new fireground radios.

**People**

- Introduced the Leadership & Behavioural Framework to improve organisational culture.
- Revised all our supporting people processes to reflect the LBF including the induction and appraisal processes, introducing rolling reviews to increase staff engagement and feedback opportunities.
- Launched a staff network for neuro-diversity and implemented a portable reasonable adjustment passport.
- Completed wholetime recruitment with a significant positive action emphasis and engagement with communities.
- Reviewed departmental structures: Community Safety; Fire-Safety; Communications and Marketing; Democratic Services; shared estates function; procurement and finance
- Introduced new PPE and workwear through national contracts.
- Introduced a Strategic Planning & Performance Assurance framework.

**What action has the service taken in response to areas for improvement identified during the last inspection (round 1)?**

The AFI were identified and monitored through departmental business plans. In December 2020 progress was assessed followed by a 'mock inspection' in March 2021. From June 2021 monthly meetings took place to discuss progress and prepare for the next inspection.

Since our last inspection we have made significant progress in the 17 AFIs:

1. Relevant up-to-date risk information is electronic and available on new MDTs that have been installed across the fleet.
2. Staff have been trained in SSRIs and policies are in place. A tablet to make data capture paperless is on track for delivery in 2022.
3. Revised our approach to HSVs and how we categorise risk, resulting in a person-centred approach across prevention and protection with delivery targets. The HSV manual includes timelines for visits. Training for station-based staff and wider QA framework will be implemented during 2021/22.
4. Three new partnership engagement managers are in post to evaluate prevention work. The initiatives library contains evaluation methods and this is monitored. Stations undertake campaigns relevant to their local risk from station profiles.
5. RBIP revised and entered onto CRM database. Protection team restructured and all vacancies filled. New Business Assurance Framework in place. All Supervisory Managers will be upskilled to level 3 FS qualification. A dashboard that contains performance against the RBIP will be delivered June 2022.
6. Comprehensive workstream to reduce unwanted fire signals agreed in IRMP. We will no longer attend AFAs in low risk commercial premises from spring 2022 following preparatory communications. Impact monitored through IRMP Board.
7. Specialist protection advice 24/7 now available through level 2 and 3 rota Fire-Safety officers.
8. Three workstreams under IRMP: combined salary contracts; Introduction of Flexible on-call contracts to support operations; and a flexible crewing pool to help with on call availability.
9. See 1&2 above.

	<p>10. Access to relevant and up-to-date risk information including cross-border risks. is now available to crews through new MDTs and the implementation of the CRM project SSRI module.</p> <p>11. MTA light team and NILO officers in place. Wider awareness course for stations is being developed including details of the joint response procedures with East and West.</p> <p>12. ORR informed IRMP resulting in an operational resilience policy and increased operational cover, from 15 to 18 appliances. IRMP has 8 workstreams and 30 work packages to improve allocation of resources to risk. Led to refresh of 3 service strategies: People; Prevention and Protection; and Response and Resilience.</p> <p>13. Launched and delivered Leadership and behaviour training to 96% of staff. Introduced new rolling review process, revised induction programme, number of key HR policies have been reviewed.</p> <p>14. Standard shift patterns are in Firewatch. On call staff are still completing paper claims which are not on Firewatch yet. Reports to monitor working time will be finished June 2022.</p> <p>15. Workforce Plan agreed Dec 21 and monitored at Strategic HR group. A significant number of activities in employee engagement, including the rolling-review process which provides structure for meaningful dialogue and engagement between managers and staff.</p> <p>16. Forums for Senior, middle, station and watch managers, employee engagement framework developed, internal review of Comms function. Whistle-Blowing policy is in place and woven into the new induction process. Wider engagement survey is planned.</p> <p>17. Talent pipeline is an area for improvement and scheduled to take place during 2022/23. We have been actively engaged in the NFCC leadership and development workstreams in order to ensure synergy and best practice.</p>
--	--

<p><b>What are your FRSs priorities for the coming year?</b></p>	<p>We have a hierarchy of plans to deliver our priorities with the IRMP setting the strategic direction for five years, supported by the Medium Term Financial Plan (MTFP). Our strategies have 1-5 year action plans that contain the priorities for that given year to deliver the purpose and commitments. The corporate plan contains the high-level priorities and the directorate, thematic plans, contain the activities needed to deliver them.</p> <p>There are a number of key priorities for next year and we have set ourselves a challenging programme. These are:</p> <ul style="list-style-type: none"> <li>• We will embed the NFCC person centred approach to reduce risk in our communities across our prevention, protection and response activities to ensure our resources are focused in the most effective way.</li> <li>• We will focus on re-engaging face to face with our communities' post covid whilst continuing with our now advanced virtual activities.</li> <li>• We will continue to strengthen capacity in Fire Safety and the wider workforce in order to deliver the GT1 action plan and the Building Risk Review.</li> <li>• We will continue to deliver the Community Risk Management Plan in particular enhancing fire appliance availability, and reducing unwanted fire signals.</li> <li>• We will continue to invest in our staff, focusing on leadership and our work with the NFCC in the direct entry programme.</li> <li>• We will continue to seek opportunities for further efficiencies through our investment in our fleet, estate and IT and through alternative methods of service delivery.</li> </ul>
--	--

<p><b>What action is the service taking in response to the Covid-19 inspection report?</b></p>	<p>We received a positive inspection report and will maintain some changes we made to our ways of working, including flexible working patterns, home working, online delivery of services e.g. HSVs. A report to SLT is due in June 2022. The opportunity to engage with our communities and staff virtually where appropriate in order to increase audience levels will continue. We ran a number of positive action virtual recruitment events to under-represented groups and data shows we increased engagement levels. Figures from the IRMP consultation undertaken during the pandemic also shows improved engagement levels.</p> <p>We will incorporate the lessons learned from the debrief process to ensure that the positive outcomes are fed into service delivery.</p>
<p><b>Please include any other information that you feel would be useful to the inspectors to provide context for the operation of the FRS and its current performance.</b></p>	<p>We are committed to provided value for money for our communities and we continue to invest in our services £6.1m in 2021/22. This includes £3.6m in new fire appliances and other vehicles and £3.0m in improving our buildings. We have an estates improvement plan which sees a total investment of £12.2m which will improve its efficiency and effectiveness and the health, safety and wellbeing of our staff.</p> <p>We have the 5<sup>th</sup> highest number of high rise residential buildings in the country. There has also been a reduction of risk across the County through enhanced firefighter safety and knowledge of the built environment. Operational and community facing staff are being upskilled in protection to ensure this knowledge continues to develop.</p> <p>We actively engage and support the NFCC national agenda and influence change in water safety, mental health and direct entry.</p>

## EAST SUSSEX FIRE AUTHORITY

**Date** 9 December 2021

**Title of Report** Appointment of External Auditors

**By** Duncan Savage, Assistant Director of Resources/Treasurer

**Lead Officer** Duncan Savage, Assistant Director of Resources/Treasurer

**Lead Member** Cllr Wendy Maples, Chair of Scrutiny & Audit Panel

**Background Papers** Scrutiny & Audit Panel, 26 May 2016 (Item 026) – Changes to the arrangements for the appointment of External Auditors  
 Scrutiny & Audit Panel, 2 February 2017 (Item 069) – Appointment of External Auditors  
 Fire Authority, 14 February 2017 (Item 972) – Appointment of External Auditors

**Appendices** 1. PSAA – invitation to opt in 22 September 2021

### Implications

<b>CORPORATE RISK</b>		<b>LEGAL</b>	✓
<b>ENVIRONMENTAL</b>		<b>POLICY</b>	
<b>FINANCIAL</b>	✓	<b>POLITICAL</b>	
<b>HEALTH &amp; SAFETY</b>		<b>OTHER (please specify)</b>	
<b>HUMAN RESOURCES</b>		<b>CORE BRIEF</b>	
<b>EQUALITY IMPACT ASSESSMENT</b>			

**PURPOSE OF REPORT** To set out proposals for appointing the external auditor to the Authority for the accounts for the five-year period from 2023/24.

**EXECUTIVE SUMMARY** The current contract with PSAA for the appointment of the Authority’s external auditors ends on 31 March 2023 (with the audit of the 2022/23 accounts).

This report sets out the requirements to comply with the appointment legislation and recommends that the Authority continues to appoint its External Auditors through Public Sector Audit Appointments Limited (PSAA).

The Local Audit (Appointing Person) Regulations 2015 require that the Fire Authority may only make the decision to

'opt-into' the appointing person arrangement by the members of the Fire Authority, meeting as a whole.

Current indications are that other local authorities in East Sussex and most other fire authorities will also opt into PSAA. It is understood that PCCs may consider a separate joint procurement.

---

**RECOMMENDATION**

The Fire Authority is recommended to:

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

---

**1. BACKGROUND**

- 1.1 The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. The Authority opted into the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23.
- 1.2 PSAA is now undertaking a procurement for the next appointing period, covering audits for 2023/24 to 2027/28. During Autumn 2021 all local government bodies need to make important decisions about their external audit arrangements from 2023/24. They have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA.
- 1.3 The report concludes that the sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Authority than a procurement undertaken locally because:
  - collective procurement reduces costs for the sector and for individual authorities compared to a multiplicity of smaller local procurements;
  - if it does not use the national appointment arrangements, the Authority will need to establish its own auditor panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract;



- it is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's national procurement; and
- supporting the sector-led body offers the best way of ensuring there is a continuing and sustainable public audit market into the medium and long term.

1.4 If the Authority wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at full Authority. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023/24, the Authority needs to return completed opt-in documents to PSAA by 11 March 2022.

## **2 PROCUREMENT OF EXTERNAL AUDIT FOR THE PERIOD 2023/24 TO 2027/28**

2.1 Under the Local Government Audit & Accountability Act 2014 ("the Act"), the Authority is required to appoint an auditor to audit its accounts for each financial year. The Authority has three options:

- To appoint its own auditor, which requires it to follow the procedure set out in the Act.
- To act jointly with other authorities to procure an auditor following the procedures in the Act.
- To opt into the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).

2.2 In order to opt into the national scheme, an Authority must make a decision at a meeting of the full Authority.

## **3 THE APPOINTED AUDITOR**

3.1 The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and value for money assessment of the Authority in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.

3.2 The auditor must act independently of the Authority and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.

- 3.3 The auditor must be registered to undertake local audits by the Financial Reporting Authority (FRC) and employ authorised Key Audit Partners to oversee the work. As the report below sets out there is a currently a shortage of registered firms and Key Audit Partners.
- 3.4 Auditors are regulated by the FRC, which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA), during the course of the next audit contract.
- 3.5 Authorities therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.

#### **4 APPOINTMENT BY THE AUTHORITY/AUTHORITY ITSELF OR JOINTLY**

- 4.1 The Authority may elect to appoint its own external auditor under the Act, which would require the Authority to:
- Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Authority itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Authority's external audit.
  - Manage the contract for its duration, overseen by the Auditor Panel.
- 4.2 Alternatively, the Act enables the Authority to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Authority under the Act and the Authority would need to liaise with other local authorities to assess the appetite for such an arrangement.

#### **5 THE NATIONAL AUDITOR APPOINTMENT SCHEME**

- 5.1 PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the 2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.
- 5.2 In summary the national opt-in scheme provides the following:

- the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;
- appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;
- ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;
- minimising the scheme management costs and returning any surpluses to scheme members;
- consulting with authorities on auditor appointments, giving the Authority the opportunity to influence which auditor is appointed;
- consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk; and
- ongoing contract and performance management of the contracts once these have been let.

## **6 PRESSURES IN THE CURRENT LOCAL AUDIT MARKET AND DELAYS IN ISSUING OPINIONS**

- 6.1 Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had been few changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.
- 6.2 During 2018 a series of financial crises and failures in the private sector year led to questioning about the role of auditors and the focus and value of their work. Four independent reviews were commissioned by Government: Sir John Kingman’s review of the Financial Reporting Authority (FRC), the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon’s review of the quality and effectiveness of audit; and Sir Tony Redmond’s review of local authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.

- 6.3 The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018/19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for publication of audited accounts. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.
- 6.4 This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.
- 6.5 None of these problems is unique to local government audit. Similar challenges have played out in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the past two years.

## **7. THE INVITATION**

- 7.1 PSAA is now inviting the Authority to opt in for the second appointing period, for 2023/24 to 2027/28, along with all other eligible authorities. Based on the level of opt-ins it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Authority's auditor. Details relating to PSAA's invitation are provided in the Appendix to this report

## **8. THE NEXT AUDIT PROCUREMENT**

- 8.1 The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies. PSAA will:
- seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies;
  - continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme);

- continue to minimise its own costs, around 4% of scheme costs, and as a not-for-profit company will return any surplus funds to scheme members. In 2019 it returned a total £3.5m to relevant bodies and in 2021 a further £5.6m was returned.

8.2 PSAA will seek to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of audit work suppliers must undertake, firms will be informed as to which developments should be priced into their bids.

8.3 The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office)<sup>1</sup>, the format of the financial statements (specified by CIPFA/LASAAC) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.

8.4 There are currently nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.

## 9. ASSESSMENT OF OPTIONS AND OFFICER RECOMMENDATION

9.1 If the Authority did not opt in there would be a need to establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Authority/Authority itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Authority/Authority's external audit.

---

<sup>1</sup> MHCLG's Spring statement proposes that overarching responsibility for Code will in due course transfer to the system leader, namely ARGAs, the new regulator being established to replace the FRC.

- 9.2 Alternatively, the Act enables the Authority/Authority to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Authority under the Act and the Authority would need to liaise with other local authorities to assess the appetite for such an arrangement.
- 9.3 These would be more resource-intensive processes to implement for the Authority, and without the bulk buying power of the sector-led procurement would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process. The Authority is unable to influence the scope of the audit and the regulatory regime inhibits the Authority's ability to affect quality.
- 9.4 The Authority and its auditor panel would need to maintain ongoing oversight of the contract. Local contract management cannot, however, influence the scope or delivery of an audit.
- 9.5 The national offer provides the appointment of an independent auditor with limited administrative cost to the Authority. By joining the scheme, the Authority would be acting with other Authorities to optimise the opportunity to influence the market that a national procurement provides.
- 9.6 The recommended approach is therefore to opt into the national auditor appointment scheme.

## **10. NEXT STEPS**

- 10.1 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Authority (meeting as a whole), except where the authority is a corporation sole.
- 10.2 The Authority then needs to respond formally to PSAA's invitation in the form specified by PSAA by the close of the opt-in period (11 March 2022). PSAA will commence the formal procurement process in early February 2022. It expects to award contracts in August 2022 and will then consult with authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.

## **11. LEGAL IMPLICATIONS**

- 11.1 The Local Audit and Accountability Act 2014 (the Act):
- Section 7 - requires a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year.
  - Section 8 - governs the procedure for appointment including that the authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor.

- Section 12 - makes provision for the failure to appoint a local auditor: the authority must immediately inform the Secretary of State, who may direct the authority to appoint the auditor named in the direction or appoint a local auditor on behalf of the authority.
- Section 17 - gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person.

## **12. FINANCIAL IMPLICATIONS**

- 12.1 The Authority's current scale fee for external audit is £23,690. In the light of the scale fee variations submitted by EY for 2019/20 and the expectation that changes to the Audit Code and international auditing standards would lead to further increases in costs the budget for 2021/22 was increased by £30,000 to £53,690. There is a significant risk that the scale fees for 2023/24 onward will be higher than those currently in place, for the reasons set out in this report, e.g. limited market, increasing regulatory requirements, recruitment and retention difficulties. Budget provision will be reviewed once the new scale fees are known.
- 12.2 Opting-in to PSAA provides maximum opportunity to limit the extent of any increases by entering into a large-scale collective procurement arrangement and would remove the costs of establishing an auditor panel.

This page is intentionally left blank



22 September 2021

To: Ms Whittaker, Chief Executive  
East Sussex Fire Authority

Copied to: Mr Savage, S151 Officer  
Councillor Maples, Chair of Audit Committee or equivalent

Dear Ms Whittaker,

### **Invitation to opt into the national scheme for auditor appointments from April 2023**

I want to ensure that you are aware the external auditor for the audit of your accounts for 2023/24 has to be appointed before the end of December 2022. That may seem a long way away but, as your organisation has a choice about how to make that appointment, your decision-making process needs to begin soon.

We are pleased that the Secretary of State has confirmed PSAA in the role of the appointing person for eligible principal bodies for the period commencing April 2023. Joining PSAA's national scheme for auditor appointments is one of the choices available to your organisation.

In June 2021 we issued a draft prospectus and invited your views and comments on our early thinking on the development of the national scheme for the next period. Feedback from the sector has been extremely helpful and has enabled us to refine our proposals which are now set out in the [scheme prospectus](#) and our [procurement strategy](#). Both documents can be downloaded from our website which also contains a range of useful information that you may find helpful.

The national scheme timetable for appointing auditors from 2023/24 means we now need to issue a formal invitation to you to opt into these arrangements. In order to meet the requirements of the relevant regulations, we also attach a form of acceptance of our invitation which you must use if your organisation decides to join the national scheme. We have specified the five consecutive financial years beginning 1 April 2023 as the compulsory appointing period for the purposes of the regulations which govern the national scheme.

Given the very challenging local audit market, we believe that eligible bodies will be best served by opting to join the scheme and have attached a short summary of why we believe that is the best solution both for individual bodies and the sector as a whole.

I would like to highlight three matters to you:

1. if you opt to join the national scheme, we need to receive your formal acceptance of this invitation by Friday 11 March 2022;

2. the relevant regulations require that, except for a body that is a corporation sole (e.g. a police and crime commissioner), the decision to accept our invitation and to opt in must be made by the members of the authority meeting as a whole e.g. Full Council or equivalent. We appreciate this will need to be built into your decision-making timetable. We have deliberately set a generous timescale for bodies to make opt in decisions (24 weeks compared to the statutory minimum of 8 weeks) to ensure that all eligible bodies have sufficient time to comply with this requirement; and
3. if you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2023. We are required to consider such requests and agree to them unless there are reasonable grounds for their refusal. PSAA must consider a request as the appointing person in accordance with the Regulations. The Regulations allow us to recover our reasonable costs for making arrangements to appoint a local auditor in these circumstances, for example if we need to embark on a further procurement or enter into further discussions with our contracted firms.

If you have any other questions not covered by our information, do not hesitate to contact us by email at [ap2@psaa.co.uk](mailto:ap2@psaa.co.uk). We also publish answers to [frequently asked questions](#) on our website.

If you would like to discuss a particular issue with us, please send an email also to [ap2@psaa.co.uk](mailto:ap2@psaa.co.uk), and we will respond to you.

Yours sincerely

Tony Crawley  
Chief Executive

Encl: Summary of the national scheme

## Why accepting the national scheme opt-in invitation is the best solution

### Public Sector Audit Appointments Limited (PSAA)

We are a not-for-profit, independent company limited by guarantee incorporated by the Local Government Association in August 2014.

We have the support of the LGA, which in 2014 worked to secure the option for principal local government and police bodies to appoint auditors through a dedicated sector-led national body.

We have the support of Government; MHCLG's Spring statement confirmed our appointment because of our "strong technical expertise and the proactive work they have done to help to identify improvements that can be made to the process".

We are an active member of the new Local Audit Liaison Committee, chaired by MHCLG and attended by key local audit stakeholders, enabling us to feed in body and audit perspectives to decisions about changes to the local audit framework, and the need to address timeliness through actions across the system.

We conduct research to raise awareness of local audit issues, and work with MHCLG and other stakeholders to enable changes arising from Sir Tony Redmond's review, such as more flexible fee setting and a timelier basis to set scale fees.

We have established an advisory panel, which meets three times per year. Its membership is drawn from relevant representative groups of local government and police bodies, to act as a sounding board for our scheme and to enable us to hear your views on the design and operation of the scheme.

### The national scheme for appointing local auditors

In July 2016, the Secretary of State specified PSAA as an appointing person for principal local government and police bodies for audits from 2018/19, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. Acting in accordance with this role PSAA is responsible for appointing an auditor and setting scales of fees for relevant principal authorities that have chosen to opt into its national scheme. 98% of eligible bodies made the choice to opt-in for the five-year period commencing in April 2018.

We will appoint an auditor for all opted-in bodies for each of the five financial years beginning from 1 April 2023.

We aim for all opted-in bodies to receive an audit service of the required quality at a realistic market price and to support the drive towards a long term competitive and more sustainable market for local audit. The focus of our quality assessment will include resourcing capacity and capability including sector knowledge, and client relationship management and communication.

### What the appointing person scheme from 2023 will offer

We believe that a sector-led, collaborative, national scheme stands out as the best option for all eligible bodies, offering the best value for money and assuring the independence of the auditor appointment.

The national scheme from 2023 will build on the range of benefits already available for members:

- transparent and independent auditor appointment via a third party;
- the best opportunity to secure the appointment of a qualified, registered auditor;
- appointment, if possible, of the same auditors to bodies involved in significant collaboration/joint working initiatives, if the parties believe that it will enhance efficiency;
- on-going management of any independence issues which may arise;
- access to a specialist PSAA team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees;
- a value for money offer based on minimising PSAA costs and distribution of any surpluses to scheme members - in 2019 we returned a total £3.5million to relevant bodies and more recently we announced a further distribution of £5.6m in August 2021;
- collective efficiency savings for the sector through undertaking one major procurement as opposed to a multiplicity of smaller procurements;
- avoids the necessity for local bodies to establish an auditor panel and undertake an auditor procurement, enabling time and resources to be deployed on other pressing priorities;
- updates from PSAA to Section 151 officers and Audit Committee Chairs on a range of local audit related matters to inform and support effective auditor-audited body relationships; and
- concerted efforts to work with other stakeholders to develop a more sustainable local audit market.

We are committed to keep developing our scheme, taking into account feedback from scheme members, suppliers and other stakeholders, and learning from the collective post-2018 experience. This work is ongoing, and we have taken a number of initiatives to improve the operation of the scheme for the benefit of all parties.

Importantly we have listened to your feedback to our recent consultation, and our response is reflected in [the scheme prospectus](#).

## **Opting in**

The closing date for opting in is 11 March 2022. We have allowed more than the minimum eight-week notice period required, because the formal approval process for most eligible bodies is a decision made by the members of the authority meeting as a whole [Full Council or equivalent], except police and crime commissioners who are able to make their own decision.

We will confirm receipt of all opt-in notices. A full list of eligible bodies that opt in will be published on our website. Once we have received an opt-in notice, we will write to you to request information on any joint working arrangements relevant to your auditor appointment, and any potential independence matters which may need to be taken into consideration when appointing your auditor.

## **Local Government Reorganisation**

We are aware that reorganisations in the local government areas of Cumbria, Somerset, and North Yorkshire were announced in July 2021. Subject to parliamentary approval shadow elections will take place in May 2022 for the new Councils to become established from 1 April 2023. Newly established local government bodies have the right to opt into PSAA's scheme under Regulation 10 of the Appointing Person Regulations 2015. These Regulations also set out that a local government body that ceases to exist is automatically removed from the scheme.

If for any reason there is any uncertainty that reorganisations will take place or meet the current timetable, we would suggest that the current eligible bodies confirm their acceptance to opt in to avoid the requirement to have to make local arrangements should the reorganisation be delayed.

## **Next Steps**

We expect to formally commence the procurement of audit services in early February 2022. At that time our procurement documentation will be available for opted-in bodies to view through our e-tendering platform.

Our recent webinars to support our consultation proved to be popular, and we will be running a series of webinars covering specific areas of our work and our progress to prepare for the second appointing period. Details can be found on [our website](#) and in [the scheme prospectus](#).

This page is intentionally left blank

## EAST SUSSEX FIRE AUTHORITY

**Date** 9 December 2021

**Title of Report** Review of the Constitution of the Fire Authority – Members Code of Conduct and associated Guidance, Procedure and Officer Delegations

**By** Abraham Ghebre-Ghiorghis, Monitoring Officer

**Lead Officer** Mark O’Brien, Deputy Chief Fire Officer & Director of Service Planning & Assurance

**Background Papers**

- i) The Constitution of the East Sussex Fire Authority
- ii) *Review of the Constitution of the Fire Authority*; Agenda Item 75; Meeting of the Fire Authority, 11 June 2020
- iii) *Review of the Constitution of the Fire Authority*; Agenda Item 129; Meeting of the Fire Authority, 2 September 2021
- iv) Model Councillor Code of Conduct, [published](#) by the Local Government Association

**Appendices**

- Appendix A: Code of Conduct
- Appendix B: Procedure for Dealing with Allegations of Breaches of the Code of Conduct
- Appendix C: Guidance on Correspondence including Social Media
- Appendix D: Scheme of Delegations to Officers (extract)

### Implications

<b>CORPORATE RISK</b>		<b>LEGAL</b>	✓
<b>ENVIRONMENTAL</b>		<b>POLICY</b>	
<b>FINANCIAL</b>		<b>POLITICAL</b>	✓
<b>HEALTH &amp; SAFETY</b>		<b>OTHER (please specify)</b>	
<b>HUMAN RESOURCES</b>		<b>CORE BRIEF</b>	

**PURPOSE OF REPORT** To report on the third stage of a review of the Fire Authority’s constitutional arrangements and to propose further amendments to the Member’s Code of Conduct and associated Guidance, Procedure and Officer Delegations for publication in the Authority’s Constitution

**EXECUTIVE SUMMARY** A project to review and update the Authority’s constitutional arrangements was initiated in 2020. At its meeting in June 2020, the Authority approved a series of minor amendments to the Authority’s Constitution as part of stage 1 of the review.

Stage 2 of the review was subsequently completed and a further set of proposed amendments, and updated sections, was approved by the Fire Authority in September 2021.

This report concludes stage 3 of the review. It seeks Fire Authority approval for a revised Member Code of Conduct and Procedure for Dealing with Complaints Against Members, as well as a new Guidance for Members on Correspondence including Social Media (to be substituted for the current Social Media Protocol). It also proposes that the provisions in the Scheme of Delegations to Officers which relate to Member conduct be updated.

Stage 4 of the review consists of a substantial review and updating of the Financial Regulations of the Fire Authority, and it is the intention to bring this forward to the next meeting of the Authority in February 2022.

---

## **RECOMMENDATION**

The Fire Authority is asked to:

1. 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 D inclusive;
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.

---

## **1 INTRODUCTION**

- 1.1 The East Sussex Fire Authority ('the Authority') must ensure that its business is conducted in accordance with the law and that public money is properly accounted for and used economically, efficiently and effectively. While all fire authorities are required to make effective arrangements for the governance of their affairs, including for the delegation of their powers, combined fire authorities differ from local authorities in that they are not required by law to publish a written Constitution.
- 1.2 It has been noted that the arrangements which different fire authorities have put in place for the lawful exercise of their functions differ. Some fire authorities have made arrangements which resemble those of their constituent authorities. Others have adopted lighter-touch arrangements, and/or have chosen not to describe their arrangements as 'a Constitution'. While some authorities publish all of their



arrangements in full, other fire authorities publish only parts of the rules and procedures they have put in place to regulate the discharge of their functions.

- 1.3 The ambition of the East Sussex Fire Authority is to ensure that the arrangements it has put in place to carry out its functions lawfully are as detailed and as comprehensive as they need to be, while being as clear and accessible as possible. To this end, the Authority is committed to reviewing its constitutional arrangements regularly to make sure that they are up to date and that they accurately reflect custom and practice as well as any specific legal requirements. The Authority has also made a commitment to publishing its Constitution in full as a means of promoting accountability and engagement.
- 1.4 The Authority's constitutional arrangements have developed over time. A need to review and modernise the Authority's Constitution was identified in 2020, and an officer project group was set up to initiate that review process. The first stage of the review was officer led and involved reviewing the Fire Authority's constitutional arrangements against those at selected other fire authorities, as well as those at its two constituent authorities. This first stage was a light touch review which aimed to identify in the first instance any simple changes which might simplify user access to the Constitution and encourage engagement with the Fire Authority's decision-making. As a result of this first stage, some key proposals were identified which were presented to, and formally approved by, the Authority in June 2020.
- 1.5 As part of stage 2, a Working Group of Members was convened to provide input into proposals to review and update other sections of the Constitution, including substantive changes to the Authority's 'Contract Standing Orders' and 'Rules of Procedure'. The outcomes from this stage of the review were presented to, and formally approved by, the Authority in September 2021.
- 1.6 At the same meeting of the Authority, it was noted that a further stage 3 review would be undertaken to review the Member Code of Conduct and associated guidance to take into account recent emerging practice from Brighton & Hove City Council while building into arrangements reference to the recently published Core Code of Ethics for Fire and Rescue Services. Input from the Working Group of Members was sought and the outcome of the work subsequently carried out by officers is summarised in section 2.2 below.
- 1.7 It has not been possible to complete the necessary reviews of all sections of the Constitution. A further substantive review - of the Authority's Financial Regulations - will be completed in due course and the outcomes brought to the February 2022 meeting of the Authority.
- 1.8 For the avoidance of doubt: while the Scrutiny & Audit Panel has delegated authority for (amongst other things) developing procedures relating to Member conduct and advising the Authority in this area, only the full Fire Authority has authority to approve substantial changes to the Constitution, and/or to make such key changes to its arrangements as the Scheme of Delegations to Officers (Section C2) and the Code of Conduct for Members (Section B page 3). While proposals to make changes to the Code may be suggested to the Fire Authority by the Scrutiny & Audit Panel, in this instance these proposals originated from a staged review of key constitutional provisions undertaken with an early steer from a dedicated Working Group of Members. That Group's input was sought on the approach to be applied to these

Member conduct arrangements. The proposals appended here have additionally been forwarded to all Fire Authority members before this Report and its appendices were finalised in order to provide an opportunity to all Members to input on this part of the constitutional review before formal Fire Authority approval is sought.

## **2 2021: STAGE 3 REVIEW**

- 2.1 The third stage of the review has involved considering the Fire Authority's constitutional arrangements further. In particular, the review has considered the current Member Code of Conduct, guidance for dealing with complaints against members, and social media guidance provided to Members. For Member awareness, the decision has been taken not to present updated sections with track changes showing. Most sections have been reviewed by a number of officers and the presence of a large number of track changes results in the document being unreadable. To aid the reader therefore, clean and final versions have been submitted.

### **Section E 1 (b) – Code of Conduct for Members**

- 2.2 The Fire Authority's arrangements in relation to the Code of Conduct for Members have not been substantively reviewed since the Localism Act 2011 came into force. When this review began, the Working Group was asked to note that the Local Government Association had carried out a substantial piece of work which involved consulting with key stakeholders to generate a model Code of Conduct. That model Code forms the basis for the recommended revised Code of Conduct for Members (see Appendix A).
- 2.3 There are some key differences to the Authority's existing Code including in terms of format and style (there is guidance embedded in the Code after each requirement, plus a more detailed approach throughout). Some key elements of the current Code have however been retained, including the appending of the seven principles of public life, as well as the current definition of an 'Other Registrable Interest', and the distinction between prejudicial and non-prejudicial interests. The draft makes explicit reference to the Authority's commitment to support the Fire & Rescue Services' implementation of the national Core Code of Ethics. It also retains the requirement in the current Code of Conduct that members have regard to advice given by the Authority's Monitoring Officer and Chief Finance Officer where they are carrying out their statutory duties and also give reasons for their decisions. These requirements (although not in the LGA model Code) form part and parcel of the Authority's existing Code and are also included in its constituent authorities' Codes. For this reason, they have been included in the draft Code appended for the Authority to consider.
- 2.4 The new Code anticipates that the Monitoring Officer will have delegated authority to provide dispensations to members in accordance with the criteria outlined in relevant law. Delegated authority to the Monitoring Officer in these terms does not currently exist in the existing Scheme of Delegations to Officers, but it is recommended that provision is made (alongside retention of the power of the Scrutiny & Audit panel to provide dispensations in the alternative) to ensure a quicker turnaround where members seek to participate in a meeting which is imminent. Appendix D provides suggested wording for the additional proposed delegation, while suggesting some updating wording to the provisions which give the Monitoring Officer delegated authority to deal with Member complaints within the agreed framework.

## **Section E 1 (tbc) – Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members**

- 2.5 At the same time, the existing procedure for dealing with complaints was considered. It was noted that Brighton & Hove City Council had recently revised its procedure so as to generate a new process for dealing with complaints which amongst other things was clearer about the key principles to be applied when assessing complaints received in at preliminary assessment stage. Members will note that more detailed criteria are suggested against which new complaints would fall to be considered, a key question being whether referral for formal investigation is considered on the facts to be both proportionate and necessary in the public interest. See attached Appendix B

## **Section E 2 (b) – Guidance on Correspondence including social media**

- 2.6 Finally, the Social Media Protocol had not been refreshed for some years either. The revised Guidance on Correspondence including Social Media (see Appendix C) includes many of the key elements of the existing Protocol, but places greater emphasis on the key point that online communications are to be assessed in the same way as all other types of communications, all of which are subject to the same key expectations. The proposed Guidance aims to be a resource which may assist Members in amongst other things managing the expectations of those who communicate with them.

This page is intentionally left blank



**Section E 1 (b)**  
**Code of Conduct for Members**

**Code of Conduct for Members**

East Sussex Fire Authority: [Code of Conduct for Members](#)

Appendix A – [The Seven Principles of Public Life](#)

Appendix B – [Registering Interests](#)

Responsible Officer	First Section Issue Date	Section Amended/Updated	Review Date
Assistant Director Planning & Improvement	December 2021		



## **EAST SUSSEX FIRE AUTHORITY: CODE OF CONDUCT FOR MEMBERS**

The East Sussex Fire Authority is comprised of elected councillors appointed to the Fire Authority by its two constituent authorities: Brighton & Hove City Council and East Sussex County Council. As Members of the East Sussex Fire Authority, they provide a key governance function in relation to the Fire and Rescue Service.

The legal requirements in the Localism Act 2011 which require all local authorities to adopt a Members Code to govern the conduct of elected councillors apply also to Fire Authorities. East Sussex Fire Authority has chosen to adopt a Code of Conduct which is based on the model Local Government Association Code and which is founded on the Seven Principles of Public Life.

This Code of Conduct for Members is consistent with the Core Code of Ethics for Fire and Rescue Services – England ('the Core Code'). The Core Code describes the fundamental principles which underpin the behaviours expected of staff of the East Sussex Fire & Rescue Service. This Code of Conduct for Members reflects the same key values and vision. It evidences the Fire Authority's commitment to supporting the Fire & Rescue Service's use of the Core Code to inform its future development.



## **Introduction**

All Fire Authorities ('Authorities') are required to adopt a Member Code of Conduct to regulate the behaviour of their Members. The East Sussex Fire Authority has chosen to adopt a Code which is based on the Local Government Association's Model Member Code of Conduct, which was developed in association with key partners and relevant authorities.

This Code of Conduct covers all of those elected Members of Brighton & Hove City Council and East Sussex County Council who have been appointed to the East Sussex Fire Authority, whenever they are acting as a Member or representative of the Fire Authority or behaving in a way which meets the description described in the paragraph entitled 'Application of the Code of Conduct' below.

The requirements outlined in this Code regarding the Declaration of Interests at Meetings apply to formal meetings of the Authority and its Panels and sub-Panels. Members are also encouraged to voluntarily declare at all meetings - both formal and informal - any facts which they consider may be relevant to the perception of their decision-making. This Code does not apply when Members are acting or appearing in the perception of a reasonable person to be acting in a purely private capacity.

When applying and interpreting this Code of Conduct, Members should have regard to the Fire Authority's policies and documents (as amended from time to time).

## **Definitions**

For the purposes of this Code of Conduct, a "*councillor*" or "*Member*" means a Member or co-opted Member of the Fire Authority.

A "*co-opted Member*" is defined in the Localism Act 2011 Section 27(4). It is a person who is not an elected Member of the Fire Authority but has both been co-opted onto one of its Panels or Sub Panels and is entitled to vote on any question that falls to be decided at any meeting of it.

The requirement to appoint at least one "*Independent Person*" and a description of that role is in Section 28(7) of the Localism Act 2011.

"*Authority*" or "*Fire Authority*" means the East Sussex Fire Authority.

"*the Monitoring Officer*" or "*your Monitoring Officer*" means the Monitoring Officer of the East Sussex Fire Authority.

### **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you as a Member in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, officers and the reputation of the Fire Authority. It sets out the general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in your role as a Member and in that of the Fire Authority in its governance role in relation to the Fire and Rescue service.

### **General Principles of Member Conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and Authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Member.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty;
- I act lawfully;
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Member.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my Authority's requirements and in the public interest.

### **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you are appointed as a Member of the Fire Authority by your constituent Authority or (if you are a co-opted member) attend your first meeting. It continues to apply to you until you cease to be a Member of the Fire Authority.

This Code of Conduct applies to you when you are acting in your capacity as a Member of the Fire Authority. It may include when:





**Section E 1 (b)**  
**Code of Conduct for Members**

- you misuse your position as a Member, or
- your actions may or could give the impression to a reasonable member of the public, with knowledge of all the facts, that you are acting as a Member, or are such as to create the risk that such an impression could be generated.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and to show leadership at all times when acting as a Member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from them on any matters that relate to it.

### **Standards of Member Conduct**

This section sets out **in bold type** your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is provided below each obligation to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a Member:**

- 1.1. I treat other Members of the Authority and members of the public with respect.**
- 1.2. I treat Authority employees as well as employees and representatives of partner organisations with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member,



## **Section E 1 (b) Code of Conduct for Members**

you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personalised attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and its confidence in Members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Code of Conduct for Members, and Authority employees, where concerns should be raised in line with the Code of Conduct for Member and Employee Relations.

### **2. Bullying, harassment and discrimination**

#### **As a Member:**

- 2.1. I do not bully any person.**
- 2.2. I do not harass any person.**
- 2.3. I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.



**Section E 1 (b)**  
**Code of Conduct for Members**

The Equality Act 2010 places specific duties on public bodies. Members have a central role to play in ensuring that equality issues are integral to the Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of Officers**

**As a Member:**

**3.1. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.**

Officers work for the Authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try to force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**3.2. When reaching decisions on any matter, I have regard to any relevant advice provided to me by—**

- (a) the Fire Authority's chief finance officer; and/or**
- (b) the Fire Authority's monitoring officer, where that officer is acting pursuant to their statutory duties.**

**3.3. I give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.**

The Authority's statutory officers play a key role in ensuring that the Authority discharges its functions lawfully. For this reason, Members are required to have regard to any advice provided to them by those officers.

### **4. Confidentiality and access to information**

**As a Member:**

**4.1. I do not disclose information:**

- a) given to me in confidence by anyone**
- b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:**



- i. I have received the consent of a person authorised to give it;
  - ii. I am required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    - 1) reasonable and in the public interest; and
    - 2) made in good faith and in compliance with the reasonable requirements of the Authority.
- 4.2. I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.
- 4.3. I do not interfere with anyone seeking to obtain information which they are entitled to by law.

Fire Authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

### **As a Member:**

#### **5.1. I do not bring my role or the Authority into disrepute.**

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or your Authority and may lower the public's confidence in you or your Authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute.



**Section E 1 (b)**  
**Code of Conduct for Members**

You are able to hold the Authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by it whilst continuing to adhere to other aspects of this Code of Conduct.



## **6. Use of position**

### **As a Member:**

#### **6.1. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position and influence as a Member of the Authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of Authority resources and facilities**

### **As a Member:**

#### **7.1. I do not misuse the Authority's resources.**

#### **7.2. I will, when using the resources of the Authority or authorising their use by others:**

- a) act in accordance with the Authority's requirements; and**
- b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Authority buildings and rooms.

These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Member:**

- 8.1. I undertake Code of Conduct training provided by my Authority.**
- 8.2. I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3. I do not attempt to interfere in any aspect of the investigation, administration or hearing of any complaint or matter.**
- 8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Authority or its governance. If you do not understand or are concerned about the Authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the Authority**

## **9. Interests**

### **As a Member:**

- 9.1. I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Authority.

You need to register your interests so that the public, Authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision-making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.



If in doubt about how to apply the Code's detailed provisions on registering and disclosing interests, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a Member:**

- 10.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.**
- 10.2. I register with the Monitoring Officer any gift or hospitality worth more than an estimated value of £50 within 28 days of receipt.**
- 10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the Authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.



## **APPENDIX A**

### **THE SEVEN PRINCIPLES OF PUBLIC LIFE**

The principles are:

#### **1 Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **2 Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **3 Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **4 Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **5 Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **6 Honesty**

Holders of public office should be truthful.

#### **7 Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



## **APPENDIX B**

### **REGISTERING INTERESTS**

Within 28 days of being appointed or re-appointed as a Member of the Fire Authority, you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

#### **Disclosable Pecuniary Interests**

These are an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below. In this context, "Partner" means a spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

##### Non participation in case of a Disclosable Pecuniary Interest

Where a matter arises at a meeting of the Fire Authority, one of its Panels or sub-Panels which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must:

- disclose the interest
- not participate in any discussion or vote on the matter and
- leave the room while any discussion or voting takes place.

*Note: if your interest is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.*

Dispensation may be granted in limited circumstances to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

NB. It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest (as defined in **Table 1**), to take part in discussion or votes at meetings or to take a decision, where you have a Disclosable Pecuniary Interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer in connection with the registration and/or declaration of Disclosable Pecuniary Interests.

### **Other Registerable Interests**

Members may have an interest in a matter under consideration even where they do not have a Disclosable Pecuniary Interest. You must register your Other Registrable Interests which are defined as follows (also duplicated in **Table 2** below):

- Any body of which you are in a position of general control or management
- Any gift or hospitality which you have accepted by virtue of your office and which has an estimated value of £50 or more.

### **Other Interests which need not be registered**

There is a further category of 'Other Interests' which do not need to be registered. These are as follows:

- Any interest of a financial nature which is not a Disclosable Pecuniary Interest, whether of you, your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners

#### Non-participation in the case of an Other Interest

Where a matter arises at a meeting which directly relates to any Other Interest (whether Registrable or not), then you must declare that interest at the meeting.

In order to determine whether – after declaring your interest – you may remain in the room and take part in any discussion or vote on the matter then you must consider:

whether a) your interest is affected by the matter under consideration more than the interests of the majority of people in the area affected by the matter, and if so,

whether b) a reasonable Member of the public would think your judgement of the public interest would be adversely affected by your interest.

If you consider that a) and b) apply, then you may speak on the matter only if Members of the public are allowed to speak at the meeting, but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

**Note:** if, having applied the above test, you consider you may continue participating in decision-making once you have declared your interest, then you will have a declarable **non-prejudicial interest**. Where you consider yourself unable to participate in decision-making then it will be because your interest is deemed to be a **prejudicial interest**.



### **Sensitive Interests**

A 'sensitive interest' is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. Where you believe you have a 'sensitive interest' then you must notify the Monitoring Officer, explaining the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Where a matter arises at a meeting which relates to a sensitive interest then you are not required to disclose the nature of your interest, although you must nonetheless declare the fact that you have an interest and must follow the rules regarding participation.

### **Dispensations**

On a written request made by a Member, either the Scrutiny and Audit Panel or the Fire Authority's Monitoring Officer may grant a dispensation on the basis outlined below.

A dispensation may be granted to a Member to enable them to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to where either the Scrutiny and Audit Panel or the Monitoring Officer believes:

- 1) that the number of Members otherwise prohibited from taking part in the meeting would be so great a proportion of the relevant body as to impede the transaction of the business; or
- 2) considers that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote; or
- 3) considers that it is in the interests of the inhabitants in the Authority's area to allow the Member to take part; or
- 4) considers that it is otherwise appropriate to grant a dispensation.

Members are not required to register or declare an interest that is shared with ordinary Members of the public living or working in the area, that arises simply from being a Member; or where the interest is otherwise de minimis.

It is at all times the responsibility of each individual Member to monitor whether they have any disclosed or as yet undisclosed interests in matters under consideration and to declare and register these where necessary.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Note: All references to '*the council*' should be read as referring to '*the East Sussex Fire Authority*'.

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the Council) made to the Member during the previous 12-month period for expenses incurred by them in carrying out their duties as a Member, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the Member or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.



**Section E 1 (b)**  
**Code of Conduct for Members**

<p><b>Land and Property</b></p>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the Member or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<p><b>Licenses</b></p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<p><b>Corporate Tenancies</b></p>	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the Member, or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<p><b>Securities</b></p>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member, or their spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>



**Section E 1 (b)**  
**Code of Conduct for Members**

\* 'director' includes a Member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

You have a personal interest in any business of your Authority where it relates to or is likely to affect:	
	any body of which you are in a position of general control or management, or
	Any gift or hospitality which you have accepted by virtue of your office and which has an estimated value of more than £50.

This page is intentionally left blank





**Section E 1 (c)**  
**Code of Conduct Breaches**

**Procedure for Dealing with Allegations of Breaches  
of the Code of Conduct for Members**

Responsible Officer	First Section Issue Date	Section Amended/Updated	Review Date
Assistant Director Planning & Improvement	December 2021		

## **1. Introduction and Legal Framework**

- 1.1. This Procedure is made in accordance with section 28(6) of the Localism Act 2011, which requires the East Sussex Fire Authority ('the Authority') to have in place arrangements for investigating and determining allegations that a Member of the Authority has failed to comply with its Code of Conduct for Members.
- 1.2. This version of the Procedure supersedes all previous versions.
- 1.3. The Code of Conduct to which this Procedure relates was originally adopted by the Fire Authority in 2012 in accordance with section 27 of the Localism Act 2011. It is set out in the Authority's Constitution [insert link](#)

## **2. Principles**

- 2.1 The principles underpinning this Procedure are:
  - (i) the imperative of generating and maintaining member and public confidence that allegations of member misconduct will be dealt with effectively, efficiently and proportionately;
  - (ii) that all parts of the process will reflect the Authority's commitment to resolving complaints against members in a way that is proportionate, transparent and fair to all parties;
  - (iii) that complaints are only referred for formal investigation and thereafter (if relevant) for determination by a Standards Hearing Panel where doing so is considered to be proportionate and necessary in the public interest;
  - (iv) that Standards Hearing Panel hearings are conducted openly wherever possible.

## **3. Making a Complaint**

- 3.1 If a person wishes to make a complaint about Member conduct, they may write to the address provided below:

The Monitoring Officer  
c/o Democratic Services  
East Sussex Fire Authority  
Service HQ  
Church Lane  
Lewes BN7 2DZ



**Section E 1 (c)**  
**Code of Conduct Breaches**

- 3.2 The complainant will be asked to provide their name and a postal or email address. Only complaints from named individuals will be accepted.
- 3.3 Fire Authority officers wishing to complain about Member conduct are recommended to use the Code of Conduct for Member and Employee Relations but still have the option of using the complaints Procedure set out here.
- 3.4 The Monitoring Officer will inform the complainant that their complaint will be assessed against the Code of Conduct for Members and that they may if they wish seek the views of one of the Authority's Independent Persons.
- 3.5 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it and will send the complainant standard information about the Fire Authority's policy on disclosing their identity, as set out in paragraph 4.2 below.
- 3.6 Once a complaint has been made to the Monitoring Officer, it may only be withdrawn by the complainant where the Monitoring Officer considers (in accordance with the principles outlined at para 2 above) that doing so is proportionate and necessary in the public interest.
- 3.7 At an early stage in communications, the Authority will discourage all parties – both the complainant and the subject member, as well as any other parties - from seeking actively to publicise the matter before the complaint has been fully determined.
- 3.8 The potential for a conflict of interest to arise will be considered when the complaint is first received in and will be kept under subsequent review. If any actual or potential conflicts are identified, then appropriate arrangements will be made to prevent them impacting negatively on the process.
- 3.9 All complaints are expected to be determined promptly and without undue delay.

**4. Information Provided to the Member Complained About**

- 4.1 The Member against whom the complaint is directed (the 'subject member') will be notified that a complaint has been received as soon as possible and in any event within 5 working days of the Authority receiving it, unless the Monitoring Officer considers that doing so may prejudice any investigation into the complaint.
- 4.2 The Monitoring Officer will provide the subject member with all documentation relevant to the complaint, including the identity of the complainant except where doing so might compromise the complainant's safety (see also paragraph 6.2 below).



**Section E 1 (c)**  
**Code of Conduct Breaches**

- 4.3 When notifying the subject member of the complaint, the Monitoring Officer will offer them the opportunity (within a defined timescale) to provide information and/or make any representations which they consider may assist at preliminary assessment stage.
- 4.4 The subject member will be alerted at an early stage that they may - if they wish - obtain input from an Independent Person not otherwise involved in the complaint at preliminary assessment stage. If they indicate they wish to do so, then the Monitoring Officer will facilitate a process whereby they receive confidential input from the Independent Person. This input will be provided in accordance with the Independent Person's statutory role and may involve their expressing their view on possible next steps in the handling of the complaint.

**5. Preliminary Assessment**

- 5.1 Subject to paragraph 5.2, the Monitoring Officer will, in consultation with one of the Independent Persons, carry out a preliminary assessment in order to determine what action should be taken.
- 5.2 The Monitoring Officer reserves the right to refer the preliminary assessment to the Standards Hearing Panel in respect of any complaint.
- 5.3 The Monitoring Officer will seek to complete their preliminary assessment promptly and in any event within 28 days of receiving a valid complaint. This process may on occasion take longer if additional information is required from the complainant or subject member (or both) for a proper assessment to be made.
- 5.4 Pursuant to paragraph 5.3, the Monitoring Officer may – having regard to the views of the relevant Independent Person – undertake preliminary enquiries directly related to the complaint to help determine whether a formal investigation is required.
- 5.5 In the course of the preliminary assessment, the Monitoring Officer may decide **not** to progress the complaint having first consulted with the Independent Person and having applied the following tests:
- a) can we investigate the complaint?**
- Is the person being complained about currently a Member of the East Sussex Fire Authority?
  - Did the conduct occur within the last six months?
  - Is the conduct something that is covered by the Code?



**Section E 1 (c)**  
**Code of Conduct Breaches**

**b) should we investigate the complaint?**

- Is there sufficient evidence to support the complaint?
- Is the conduct something which it is possible to investigate?
- Would a formal investigation be proportionate and necessary in the public interest?

- 5.6 Throughout the process, the Monitoring Officer will keep under review all informal options available to them for resolving the complaint, including informal settlement (whether by apology or other remedial action, or mediation), including as outlined in para 5.8 below.
- 5.7 Where the complaint is considered to satisfy the tests outlined in paragraph 5.5 a) and b), the Monitoring Officer may:
- (i) seek to resolve the complaint informally in accordance with paragraph 5.6, or
  - (ii) arrange for the complaint to be formally investigated;
- 5.8 An informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, and/or some other action on their part. Where the Member makes a reasonable offer of informal resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation. In any event, the Monitoring Officer retains the discretion to resolve matters informally having consulted with the parties as well as with one of the Independent Persons.
- 5.9 Where the complainant and subject member have consented to resolve the complaint informally by a particular means (for example, by written apology), the member should co-operate with and adhere to the terms of that resolution, in accordance with the requirements of the Code of Conduct for Members.
- 5.10 Complaints settled informally, whether at this stage or during the course of a formal investigation, will be reported to the Scrutiny & Audit Panel without naming the parties involved. Complaints which proceed to formal hearing and which conclude with the finding of a substantive breach will normally be reported to the next meeting of the full Authority in any event.
- 5.11 Where the parties attempt to resolve the matter informally but fail to reach a mutually agreeable outcome, the matter may be referred for formal investigation after the tests in para 5.5 a) and b) have been applied. In any subsequent report to a Standards Hearing Panel, it will be stated that informal resolution was attempted but did not succeed, although a detailed account of the negotiations will not be published.



**Section E 1 (c)**  
**Code of Conduct Breaches**

- 5.12 If the complaint identifies conduct by any person which, on the face of it, is or may be a criminal offence or regulatory breach, the Monitoring Officer may refer the matter to the Police and/or appropriate regulatory body as well as, or in lieu of, an investigation by the Authority.
- 5.13 On completion of the preliminary assessment, the Monitoring Officer will inform the complainant and subject member of their decision regarding next steps, giving reasons.

**6. Formal Investigation**

- 6.1 If the Monitoring Officer has applied the tests outlined above in para 5.5 and has additionally considered all available options for informal resolution (paras 5.6 and 5.8) and nonetheless decides that a complaint merits formal investigation, they will appoint an Investigating Officer. The Investigating Officer may be another officer of the Authority, an officer of another fire authority or local authority or an external investigator. The Investigating Officer will, subject to any direction from the Monitoring Officer, have discretion as to how the investigation is carried out.
- 6.2 The Investigating Officer will ask the complainant and the Member to provide their detailed explanation of events and will identify what documents they need to see and whom they need to interview. In exceptional cases, it may be appropriate to keep the identity of the complainant, witnesses, or key documents confidential where disclosure might prejudice the investigation.
- 6.3 The Investigating Officer will produce a draft report and send copies, in confidence, to the complainant and subject member, to give both an opportunity to identify any matter in the report which they feel requires more consideration.
- 6.4 Having received and taken account of any comments on the draft report, the Investigating Officer will send their final report to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or that aspects of the report require revision or clarification, they may ask the Investigating Officer to reconsider their report.
- 6.5 Copies of the final report will be sent to the complainant and to the member concerned.
- 6.6 During the investigative process, the Investigation Officer will keep the Monitoring Officer informed regarding progress. At any point during the investigation process, the Monitoring Officer may review the complaint against the tests in para 5.5, halting the investigation if necessary to actively consider options for resolving matters informally pursuant to paras 5.6 and 5.8.



**Section E 1 (c)**  
**Code of Conduct Breaches**

- 6.7 If informal resolution is contemplated, then the Monitoring Officer will consult the parties on their views as an alternative to continuing with the formal investigation. The process of consultation will involve offering the complainant and subject member the opportunity to make representations, which will be taken into account by the Monitoring Officer when making their decision. While resuming the formal investigation (if one is already underway) would remain an option in such a situation, the Monitoring Officer retains the discretion to resolve matters informally where they consider that an informal resolution is proportionate and in the public interest having first consulted with the parties as well as with one of the Independent Persons. Where a matter is determined by informal resolution after it has been referred for formal investigation, then reasons will be provided to the parties when they are notified of that outcome.

**7. Investigation Outcomes**

- 7.1 On completion of a formal investigation, the Investigating Officer has available to them a series of options in respect of each element of the allegation of a breach of the Code of Conduct. These are:
- (i) To make a preliminary finding that no breach(es) have occurred
  - (ii) To outline the facts and highlight material considerations without making a preliminary finding or taking an indicative view.
  - (iii) To take an indicative view that one or more breaches (whether technical but minimal or substantive) has or have occurred.

**Preliminary finding of no breach**

- 7.2 If the Investigation finds no breach of the Code of Conduct, and the Monitoring Officer considers – after consultation with the Independent Person – that there is no public interest in pursuing the matter further, they will contact both parties to ask if they accept the finding and are willing to end the matter there. If they respond in the affirmative, the Monitoring Officer will confirm to the parties in writing that the complaint will be taken no further. If either party rejects the finding or is not willing to conclude the matter, they may make representations to the Monitoring Officer as to why the complaint should nonetheless be referred to the Standards Hearing Panel. However the Monitoring Officer retains the discretion to decide to resolve the matter informally, without referral to a Panel.
- 7.3 Similarly the Monitoring Officer may, having consulted one of the Independent Persons, refer the complaint to the Standards hearing Panel, even where the investigation finds no breach and the parties are willing to terminate the matter.

**Outline of the facts without making a preliminary finding**



**Section E 1 (c)**  
**Code of Conduct Breaches**

- 7.4 Where the Investigating Officer does not make a finding or take an indicative view as to whether or not a breach has occurred, then it is for the Monitoring Officer to decide in consultation with the Independent Person whether referring the complaint to a Standards Hearing Panel for determination is proportionate and necessary in the public interest or whether to resolve matters informally. The Monitoring Officer may make this decision themselves or refer this decision to a Panel, as long as the parties to the complaint have first been given the opportunity to make representations which have been taken into account and the Independent Person has been consulted. Reasons for such a decision will be given

**Indicative view: substantive breach**

- 7.5 Where the Investigating Officer finds that the subject member has substantively breached one or more elements of the Code of Conduct, the Monitoring Officer will normally refer the complaint to the Standards Hearing Panel for determination.
- 7.6 However where the Monitoring Officer considers exceptionally that it would not be proportionate and necessary in the public interest to refer the breach to a Standards Hearing Panel, and has consulted with one of the Independent Persons, then provided that that Independent Person agrees, the Monitoring Officer may recommend to the parties that the matter be settled informally and invite the parties to make representations regarding whether or not they agree. While either the complainant or the subject member may request that the matter be referred to a Panel for determination, the Monitoring Officer will retain the discretion to resolve matters informally having consulted with all of the parties.

**Indicative view: technical but minimal breach.**

- 7.7 This finding reflects a set of circumstances where the conduct complained of does – on a strict interpretation – amount to a breach of the Code, but little or no culpability attaches to the subject member. This could occur, for example, where the member had made an unintentional and minor administrative error on their declaration of interests by recording relevant information but under the wrong class of interest.
- 7.8 Where the Monitoring Officer, after consultation with one of the Independent Persons, considers that it would not be in the public interest to refer a technical but minimal breach to a Standards Hearing Panel, he will recommend to the parties that the matter be settled informally. While either party may request that the matter is referred to a Panel for determination, the Monitoring Officer will retain the discretion to resolve matters informally having consulted with all of the parties.





## **8. Standards Hearing Panel**

- 8.1 As soon as reasonably practicable after referring a completed investigation to the Standards Hearing Panel for hearing and determination, the Monitoring Officer shall convene a meeting of the Panel.
- 8.2 The Monitoring Officer shall select the persons to comprise a Standards Hearing Panel, in accordance with the following criteria:
- 8.2.1 Membership of a Standards Hearing Panel is restricted to persons who –
- (a) are a member of Scrutiny and Audit Panel; and
  - (b) have attended any training or briefing session considered necessary by the Monitoring Officer
- 8.2.2 The Standards Hearing Panel shall consist of 3 elected members. It shall also include one Independent Person who shall chair the Panel but not vote.
- 8.2.3 If more than three members are considered to be qualified (pursuant to paragraph 8.2.1) to attend and are also available for a particular Panel, selection will be done in a way that ensures a spread of experience across the Panel.

## **9. Arrangements for and Conduct of the Standards Hearing Panel Hearing**

- 9.1 There is a presumption of openness with regard to Panel hearings. Hearings will be conducted in open session unless the Panel resolve that the public be excluded on one or more of the grounds permitted under Part VA of the Local Government Act 1972.
- 9.2 Where the hearing itself is open to the public, the Panel's deliberations following the hearing will be held in private.
- 9.3 Care is needed to ensure that the published report detailing the allegation and investigation does not unlawfully disclose personal or sensitive personal data of any party. Accordingly, the Monitoring Officer shall have discretion to redact material from the published report where necessary for data protection purposes.
- 9.4 Where the complaint concerns the use of an offensive word or expression, the wording will not be repeated in the Panel report more than is necessary and in any event placed within inverted commas, to indicate the words were those allegedly used by the subject member.



**Section E 1 (c)**  
**Code of Conduct Breaches**

- 9.5 To coincide with the publication of the hearing report, the Fire Authority shall (unless the Panel is being advised to consider excluding the public from the hearing) issue a press release about the hearing, which shall include an explanation of the Independent Person's role. Advice will be sought from the Communications team regarding the precise content of the release.
- 9.6 The Independent Person, in their capacity as Panel chair, may – after consulting the Monitoring Officer – issue directions as to the manner in which the hearing is to be conducted.
- 9.7 Adequate security must be in place throughout the hearing, to protect Panel members and other parties actively involved in the hearing against threats or intimidation.
- 9.8 Arrangements must be made to ensure the privacy of the Panel while in recess following the hearing.
- 9.9 Arrangements must enable the Panel to conduct their deliberations in recess without feeling pressurised to reach a decision within a set time.

**10. Reaching a Decision**

- 10.1 In accordance with statutory requirements, the voting members of the Standards Hearing Panel must seek and take into account the views of the Independent Person before reaching their decision in respect of the allegation.
- 10.2 The Panel should, where possible, reach their decision by consensus and vote by acclamation. Where there is disagreement, the matter shall be put to a vote with Members voting for or against the proposal.
- 10.3 The decision of the majority of the Panel Members shall constitute the decision of the Panel. The Chair, being an Independent Person, shall not be permitted to vote or exercise a casting vote.
- 10.4 In the event that no majority decision can be reached (e.g. where one voting member felt unable to decide the allegation), the Panel will make no finding and a fresh Panel shall be appointed to re-hear the complaint.
- 10.5 The decision of the Panel should be owned collectively by all its Members and Panel Members should, as far as reasonably practicable, avoid statements or actions that undermine public confidence in the complaints process.

**11. Range of decisions available to the Standards Hearing Panel**

- 11.1 Having heard the allegation, the Standards Hearing Panel may –



**Section E 1 (c)**  
**Code of Conduct Breaches**

- (i) find that the subject member **did fail** to comply with the Code of Conduct for members in one or more respects;
  - (ii) find that the subject member **did not fail** to comply with the Code of Conduct for members;
  - (iii) **make no finding** in respect of the allegation(s). It is open to the Panel merely to note the issues raised by the complaint and, if appropriate, to make recommendations which address them.
- 11.2 Even where the Panel finds a breach, it is not obliged to take action in respect of the member. In accordance with section 28(11) of the Localism Act, it must have regard to the failure in deciding whether to take action and, if so, what action to take.
- 11.3 Neither the Standards Hearing Panel nor any other body of the Fire Authority has power to suspend or disqualify a member or to withdraw their basic or special responsibility allowance.
- 11.4 Where a Panel finds that a substantive breach has occurred then it will normally both:
- (i) publish its findings in respect of the member's conduct; and
  - (ii) report its finding to the next full Fire Authority meeting for information in any event.
- 11.5 Actions the Panel may take in relation to a member who has failed to comply with the Code of Conduct include:
- (i) writing a formal letter to the member, which could include recommended actions such as an apology;
  - (ii) recommending to the Fire Authority that it does not appoint the relevant member onto any body which is within its gift;
  - (iii) recommending to the Fire Authority that it takes one or more of the actions listed here;
  - (iv) formal censure;
  - (v) recommending to the member's Group Leader that they be removed from any or all of the Panels or sub Panels;
  - (vi) recommending that the Monitoring Officer offer appropriate training

## **12. Publicising the Panel's Decision**

- 12.1 At the end of the hearing or as soon as possible thereafter, the Chair will state the decision of the Standards Hearing Panel as to whether the Member failed to comply with the Code of Conduct and any actions which the Standards Hearing Panel resolves to take.
- 12.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Standards Hearing Panel, send a copy to the complainant and the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Scrutiny & Audit Panel. It will normally also report its finding to the next meeting of the full Fire Authority for information.

## **13. Right of Appeal**

- 13.1 Subject to paragraphs 13.2 to 13.4, the complainant and subject member may each appeal the decision of the Standards Hearing Panel.
- 13.2 A request for an appeal must be made in writing to the Monitoring Officer and set out reasons for the request, with reference to the grounds set out in paragraph 13.4.
- 13.3 The appeal request must be received by the Monitoring Officer within 10 working days of the original Panel hearing.
- 13.4 The appeal request will only be granted if one or more of the following criteria are met:
- (i) the hearing was procedurally flawed; a relevant consideration was not taken into account; or an irrelevant consideration was taken into account;
  - (ii) new evidence or material has arisen with a direct and significant bearing on the allegation; or
  - (iii) the Panel's decision was irrational, meaning it was so unreasonable that no sensible Standards Hearing Panel, having applied its mind to the complaint, could have arrived at that decision.
- 13.5 The decision as to whether the appeal request does fulfil one or more of the above criteria, resulting in the request being granted, shall be in the sole discretion of the Monitoring Officer, in consultation with the Independent Person.
- 13.6 In the event that an appeal is granted, a Standards Hearing Panel composed of different members to the one that heard the original case will consider the entire



**Section E 1 (c)**  
**Code of Conduct Breaches**

case. The appeal Panel may dismiss or uphold the appeal. If they uphold the appeal, they may substitute the original decision with a new decision. If the appeal Panel considers that essential information was not included in the investigation, they may refer the complaint back to the investigation stage.

13.7 There is no internal right of appeal from the decision of the appeal Panel.

This page is intentionally left blank



**Section E 2 (b)**  
**Guidance for Members on Correspondence**

**GUIDANCE FOR MEMBERS ON CORRESPONDENCE**

**including SOCIAL MEDIA**

Responsible Officer	First Section Issue Date	Section Amended/Updated	Review Date
Assistant Director Planning & Improvement (Communications & Marketing Manager)	December 2021		

## **Section E 2 (b)** **Guidance for Members on Correspondence**

### **Introduction**

The increasing prevalence of email and social media, with its potential for communications to be received instantaneously, has increased pressures on elected Members. The ease with which multiple emails may be sent – and additional parties copied in – has resulted in far greater volumes of communications being sent, not all of which necessarily require each recipient to respond individually. This guidance aims to clarify what may reasonably be expected of Members in relation both to correspondence received by email and also – where Members choose to use it – in relation to Social Media.

This Guidance does not impose additional requirements on Members over and above those specified in the Code of Conduct for Members. Instead it offers guidelines to assist Members in staying within the rules.

### **Key principles**

The fundamental principle is that the same standards of behaviour and conduct are expected of Members online as are required offline. In other words, members are expected to comply with the Code of Conduct in all areas when acting in their capacity as Members, whether they are doing so by email or online, via social media or in person. Members are welcome to contact the Monitoring Officer at any time if they have any queries regarding any aspect of the regulatory framework which binds them.

## **A MEMBER CORRESPONDENCE – BOTH HARD COPY AND EMAIL**

### **Key expectations:**

#### Member discretion

It is for each Member to judge the particular circumstances of any communication and to act in a way which is proportionate and respectful. While it is for each Member to decide whether a particular communication necessitates a personal response from them, such a response may only be reasonably be expected where the communication they receive relates to matters of relevance to their duties as a Member.

#### Multiple recipients

Stakeholders may expect a response to every direct communication they send to an individual Member. However, the volume of communications received by Members (particularly via email) means that this is not always possible - nor may it be necessary. In a situation where more than one Member and/or officer have been joined into an email, then it will be for each individual Member to decide whether they need to respond personally rather than allowing a fellow Member or officer to respond on behalf of the Authority, as that person sees fit.



## **Section E 2 (b)** **Guidance for Members on Correspondence**

### 'Cc'd'-only emails

In any case where a Member is only 'copied' or 'cc'd' into an email as opposed to being a primary recipient of it, then the following applies:

- Members may (depending on workloads) need to prioritise those emails which are directed to them as primary recipient. This may mean that they do not read all emails which they are merely copied or 'cc'd' into.
- In any case, the normal expectation is that Members will not be expected to respond individually to emails which they have only been cc'd into.

### Managing expectations via automated messages

Members are in any event encouraged to make use of automated 'out of office' tools to manage expectations, especially where there is likely to be a delay to their normal response times due to holidays, illness or workloads.

It is recognised that on occasion Members may find themselves overwhelmed by a sheer volume of correspondence, particularly when a controversial issue arises. A delay in replying caused by unmanageable volume of correspondence or an occasional failure to respond would not normally constitute a breach of the Member's Code of Conduct. However, Members should be aware that repeated failure to respond promptly or at all to substantive correspondence directed at them individually which meets the criteria above could amount to failure to treat people with respect and/or be deemed to be conduct which brings their office or the Authority into disrepute.

### Repetitious or otherwise inappropriate communications

It is also recognised that some correspondents – whether because they do not receive the reply they are seeking, or for some other reason - repeat the same request or points in a series of emails or letters, continuing the conversation (and on occasion cc'ing in other parties) after the Member has made their position clear. In this situation, it is for the individual Member to decide on a reasonable course of action. This may involve deciding not to respond further: a decision which is normally taken after they have first made their position clear to the other person and informed them that they consider the conversation to be at an end.

Similarly, the expectation of respectful behaviour applies to all parties in a conversation. Members are not expected to engage or to continue to engage in exchanges in which the other party/ies is acting in a way which is disrespectful, abusive or otherwise inappropriate. In such a situation, they will normally be expected to send a single communication indicating that they are not minded to engage giving brief reasons. This is however at the individual Member's discretion and there may be



## **Section E 2 (b)**

### **Guidance for Members on Correspondence**

circumstances where the other person has behaved in such a way that no response can reasonably be expected.

#### **B SOCIAL MEDIA**

Members are not required to set up any kind of social media account and are free to communicate and engage however they wish to. However, these guidelines will be relevant to any Member who is using or planning to use social media in connection with their work as a Member, or who is already using it another capacity (including in their private capacity).

Members are not expected to maintain any kind of social media presence in their capacity as Members of the Fire Authority and retain discretion re. how they communicate with others in the discharge of their functions. Where they do choose to maintain a social media account in that capacity, they are not expected to monitor information posted on other forums or to respond to posts or messages within specific timeframes/ at all. Where they do choose to use social media to engage on an occasional basis, this is not to be read as creating an expectation that they will monitor responses on a regular basis or at all.

#### **Potential issues**

- While any form of communication is capable of being misunderstood, the rapidity of social media exchanges can lend itself to problems.
- “Misfiring”, or being misunderstood, particularly where comments are perceived as being controversial, may lead to rapid circulation and therefore escalation.
- Although social media lends itself to a conversational tone, posting comments is still publishing as it creates a written record. It is therefore important that online content is accurate, informative, balanced and objective.
- While Members are free to communicate politically in appropriate contexts, it is recommended that they do not post anything that they would not be comfortable justifying at a public meeting.
- Where Members use social media to make comment (whether political or otherwise) about an individual or organisation, it is recommended that they alert that person to their comment by ‘tagging’ them (or otherwise alerting them) so that they are aware of the post. This ensures that they are identified correctly as well as giving them the opportunity to respond.



## Section E 2 (b) Guidance for Members on Correspondence

### Legal issues

- **Prosecutions and Criminal Investigations**

East Sussex Fire and Rescue Service (ESFRS) is involved in both bringing criminal prosecutions in its own right and assisting other agencies including the police with criminal investigations. Comments on these or related topics could lead to contempt of court and other legal complications. Members are therefore advised not to comment outside of the official statements issued by ESFRS/its partners.

- **Libel**

If Members publish an untrue statement about a person which is damaging to their reputation, that person could initiate an action for libel. The same thing may happen if, for example, someone else publishes something libellous on a Member's social media page and they do not take swift action to remove it. A successful libel claim would be costly to defend and could result in an award of damages.

- **Copyright**

Placing images or text on any site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Again, a successful claim for breach of copyright would be likely to lead to an award of damages.

- **Data Protection**

Members are data controllers in the eyes of the ICO insofar as the personal data which they hold on ward or division business (in their capacity as members of their constituent authorities) is concerned. Members must in any event have regard to the requirements of current Data protection legislation and amongst other things must not publish the personal data of individuals without their express permission.

- **Bias and Predetermination**

If Members are involved in making planning, licensing or other quasi-judicial decisions, it is important that they do not indicate via any media that they have made their mind up on an issue that is due to be formally decided upon. While a Member's likely view on a particular application may be well known, only those Members who are able to show that they have attended the panel or hearing prepared to take on board and weigh all the evidence and arguments, and are genuinely persuadable to a different view, should be taking part in Fire Authority decision-making. If not, then the decision may be challenged. Where a person



## **Section E 2 (b)**

### **Guidance for Members on Correspondence**

has suffered some sort of detriment as a result of an invalid decision, they may have a claim against the Authority for damages.

#### **‘Acting as a Member’ and the Issue of Blurred Identities**

- The key to whether an individual Member’s online activity is subject to the Code of Conduct is whether they are, or even just appear to be, acting in their capacity as a Member of the Fire Authority rather than as a private individual.
- Members may have “blurred identities” in a situation where they maintain a social profile which sees them comment both as a Member and as an individual (which may or may not involve making political statements). Although Members may be clear that they are acting in a private capacity, it may be less clear to others.
- One way of avoiding blurring the lines between an individual’s personal (or political) communications and those they make in their capacity as a Member of the Fire Authority is to consider maintaining an online account as a Member which is entirely separate from that where the same individual communicates in a personal capacity. This is a decision for each Member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The Communications team will assist if specific advice is needed.

#### **Recommendations for Social Media use by Members**

- Members will need to consider setting appropriate privacy settings – especially if they have a private, non-political blog.
- Members need to monitor their social media accounts for defamatory or obscene posts from others and remove them as soon as possible to avoid the perception that they condone such views.
- The potential for misunderstanding and miscommunication via social media is increased, and Members may wish to bear this in mind.
- Where Members feel it to be necessary to ‘block’ an individual from communicating with them, whether because the communication has crossed the line and is considered to be abusive or for some other reason, then members are expected to be mindful of the need to be clear and transparent in their actions. This may (depending on the Member’s assessment of the situation) involve communicating directly with the individual and informing them of the decision and of the reasons for it.
- Members are asked to consider keeping their personal and Member profiles on social networking sites separate as a means of maintaining appropriate professional boundaries.



## **Section E 2 (b)**

### **Guidance for Members on Correspondence**

- Members are expected to ensure they use the Authority's facilities appropriately and to bear in mind the likelihood that posts about the Fire Authority, or which use information accessed in their capacity as a Member of the Authority are likely to be viewed as made in their official capacity. Any requests to use fire stations and other ESFRS premises must be submitted to the Communications team in the first instance.
- While Members may wish to make political points, it is recommended that they take care not to be too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect.
- Where Members do make a personal or a political comment about an individual or organisation on social media, it is recommended that they 'tag' them in their post. As well as identifying the correct person, this practice alerts the other party to the comment and gives them the opportunity to reply to it.
- Members are advised not to request or accept an ESFRS employee, volunteer, Cadet or contractor providing services to the Authority as a "friend" on a social networking site when they are using their personal accounts. This suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn or ESFRS-registered accounts, a list of which is available from the Communications team.)
- Members are encouraged to share messages about incidents and prevention from official ESFRS sources. They are encouraged to undertake ESFRS media training to ensure that sensitive information is handled correctly.

## **CONCLUSION**

This Guidance aims to assist Members in avoiding the various risks associated with the types of communication in scope. The Monitoring Officer and the Communications Team are happy to help Members by providing additional advice and guidance as appropriate.

This page is intentionally left blank

**Extract from SECTION C2: THE SCHEME OF DELEGATIONS TO OFFICERS****6. Monitoring Officer to the Authority**

Powers delegated to the Monitoring Officer to the Authority are described below and in the Standing Orders:

- 6.1 To affix the common seal to all properly authenticated deeds and documents.
- 6.2 To nominate an appropriate officer of another Fire & Rescue Service to investigate allegations against a Principal Officer.
- 6.3 Where the provisions of the Local Government and Housing Act 1989 apply, to make appointments to panels and other bodies which are allocated to a particular political group, in accordance with the wishes of that group as notified to the Monitoring Officer.
- 6.4 In relation to complaints that one or more Member(s) of the Fire Authority have breached the Code of Conduct for Members, to take such steps as they consider necessary to review, progress and (where relevant) determine such complaints in accordance with the Fire Authority's arrangements as specified in the Procedure for Dealing with Allegations of Breaches of the Code of Conduct.
- 6.5 Where a Member seeks a dispensation pursuant to the Localism Act 2011 to permit them to participate in discussion and/or voting at a meeting of the Fire Authority or one of its Panels despite having a prejudicial interest, to determine any such application on the grounds listed in the Code of Conduct for Members

This page is intentionally left blank



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank