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FIRE AUTHORITY

Minutes of the Virtual meeting of the FIRE AUTHORITY held at 10.30 am on Thursday, 11 June 2020.

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Barnes, Dowling, Evans, Hamilton, Osborne, Peltzer Dunn, Powell, Pragnell, Scott, Sheppard, Smith, Taylor, Theobald and Tutt

Also present: D Whittaker (Chief Fire Officer/Chief Executive), M O'Brien (Deputy Chief Fire Officer), M Andrews (Assistant Chief Fire Officer), A Ghebre-Ghiorghis (Monitoring Officer), L Woodley (Deputy Monitoring Officer), D Savage (Assistant Director Resources/Treasurer), L Ridley (Assistant Director Planning & Improvement), H Scott-Youldon (Assistant Director People Services), M Matthews (Assistant Director Safer Communities), E Curtis (Communications & Marketing Manager), M McCorkell, S Philips, V Simpson, C Porter, E Simpkin and A Blanshard (Senior Democratic Services Officer)

1 **Declarations of Interest**

There were none.

2 **Election of Chairman**

The Fire Authority considered the report of the Monitoring Officer inviting the Fire Authority to elect a Chairman and to request, once elected that they advise on their preferred title. (*Copy in Minute Book*)

The Combination Order for the creation of the East Sussex Fire Authority set down the procedures for the election of the Chairman of the Authority.

The Standing Orders of the Fire Authority required a Chairman to be elected from its Members as the first item of business at the annual meeting.

RESOLVED – That the Fire Authority:

- i. appointed Councillor Roy Galley as Chairman of the Authority; and
- ii. the Chairman advised that his preferred title was that of 'Chairman',

3 **Election of Vice-Chairman**

The Fire Authority considered the report of the Monitoring Officer inviting them to elect a Vice-Chairman for the forthcoming year and, once elected to ask the Vice-Chairman to advise of their preferred title. (*Copy in Minute Book*)

RESOLVED – That the Fire Authority:

- i. appointed Councillor Carolyn Lambert as Vice-Chairman of the Authority; and

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- ii. the Vice Chairman advised that her preferred title was that of 'Vice-Chair'.

4 Apologies for Absence

Apologies were received from Councillor O'Keeffe.

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

The Chairman informed the Authority that Councillor Ebel had resigned her position on the Authority and thanked her for her hard work during her membership. He then welcomed Councillor Pete West who would be taking the newly vacant position on the Fire Authority as a representative of Brighton & Hove City Council.

The Chairman then read the following statement to those present:

"As Members are aware, at the last meeting of the authority, we agreed to consult on the proposals regarding the IRMP. The consultation was launched under the title "Planning for A Safer Future."

Irrespective of Members' views on the merits or otherwise of the proposals, it is essential that the consultation is undertaken in accordance with legal requirements. Caselaw suggests that, for consultation to be valid, three criteria need to be satisfied:

- (a) the consultee has to be given the necessary information,*
- (b) they should be given adequate opportunity to make representations or respond to the consultation; and*
- (c) the decision maker needs to take the representations into account **before** coming to a decision.*

In addition to the legal requirements for consultation I just mentioned, we also need to have regard to the general law on pre-determination. Although Members are entitled to have a view or pre-disposition, they should not approach any decision-making with a closed mind. They need to retain an open mind, listen to the evidence and the debate and be prepared to be persuaded before coming to a decision.

I would therefore remind Members to be careful, in communicating their views in the media (whether they are for or against the proposals) not to give the impression that they have already made up their mind or that they have already decided how they are going to vote. Otherwise, there is a risk that to the validity of the decision-making process and it may not be appropriate for them to take part. If Members need further advice, I suggest they consult the Monitoring Officer."

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6 To consider any public questions

There were none.

7 To receive any petitions

There were none.

8 Non-confidential Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 23 April 2020 be approved and signed by the Chairman. (*Copy in Minute Book*)

9 Callover

Members reserved the following items for debate:

72 Political Representation on the Panels of the Fire Authority

73 Fire Authority and Panel Meetings 2020-2021

75 Review of the Constitution of the Fire Authority

76 Review of the Terms of Reference of Human Resources and Principal Officers Appointment Panels

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

10 Political Representation on the Panels of the Fire Authority

The Fire Authority received the report of the Monitoring Officer (MO) seeking to secure political balance on Panels in accordance with the Local Government (Committees and Political Groups) Regulations 1990 and agree the resultant membership to the Panels of the Fire Authority. (*Copy in Minute Book*)

The Fire Authority was required to keep under review the allocations of seats on Committees and other bodies to ensure, so far as practicable, that they reflected the political groups on the Authority. The rules governing this representation were outlined in the report.

There were four political groups on the Fire Authority, namely Conservative, Green, Labour and Liberal Democrat. There was also one Independent Member of the Fire Authority but single members cannot constitute a political group. The allocations to panel memberships had not altered and the proposed political proportionality for 2019/20 shown in Appendix 2 to the report. The Authority agreed to the proportionality, some political groups confirmed that their membership remained unchanged others were reminded to confirm memberships by the deadline contained in the report.

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It was proposed that, as at the previous Annual meeting, there might be merit in the Authority again appointing the Chair of both the Policy & Resources and Scrutiny & Audit Panels at this meeting and letting the remaining Panels appoint at their first meetings. The Authority agreed that these two appointments be made at this meeting.

Councillor Peltzer Dunn was nominated as Chairman of the Policy & Resources Panel by Cllr Pragnell, seconded by Cllr Galley. The nomination was uncontested and passed by the Authority.

Councillor Barnes was nominated as Chairman of the Scrutiny & Audit Panel by Cllr Taylor, seconded by Cllr Lambert. The nomination was uncontested and passed by the Authority.

The Authority also agreed to the appointment of the following Member Lead roles:

Health & Safety – Cllr Lambert
Assurance & Peer Review – Cllr Barnes
Inclusion & Diversity – Cllr Osborne
IT – Cllr Tutt
Estates – Cllr Peltzer Dunn

An offer was made for additional involvement within the area of Inclusion & Diversity, the Lead Member and Assistant Chief Fire Officer agreed to follow this offer up after the meeting.

RESOLVED – That the Fire Authority:

- i. confirmed the Panel arrangements and political representation as set out in the Report;
- ii. agreed (with no Member voting against) that the political balance provisions shall not apply to the membership of the Principal Officer Appointments Panel; and
- iii. appointed Cllr Peltzer Dunn as Chairman of the Policy & Resources Panel and Cllr Barnes as Chairman of the Scrutiny & Audit Panel in accordance with Standing Order 41.13 and agreed that the appointment of the Chairman of the remaining Panels be appointed by the Panels at their first meeting in accordance with Standing Order 41.14.

11 Fire Authority and Panel Meetings 2020-2021

The Authority received the Report of the Senior Democratic Services Officer which informed Members of the dates of meetings of the Fire Authority and Panels for the remainder of 2020 and 2021. (*Copy in Minute Book*)

RESOLVED – That the Fire Authority noted the dates of meetings of the Fire Authority and Panels for the next 12 months.

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

12 Treasury Management and Stewardship Report 2019-20

The Fire Authority received the Report of the Assistant Director Resources/Treasurer. The Annual Treasury Management Stewardship Report is a requirement of the Fire Authority's reporting procedures and informed Members of Treasury Management Performance for 2019/20 and compliance with Prudential Indicators. (*Copy in Minute Book*)

RESOLVED – That the Fire Authority noted the Treasury Management Performance for 2019/20.

13 Review of the Constitution of the Fire Authority

The Fire Authority considered the report of the Monitoring Officer (MO) which informed Members of the first stage of a review of the Fire Authority's constitutional arrangements and to propose some minor amendments to the Constitution of the Authority.

The Deputy Chief Fire Officer explained that a project to review and update the Authority's constitutional arrangements had been initiated and was being undertaken by officers in the Legal team at Brighton & Hove City Council. The report sought approval for a series of minor amendments to the Constitution as part of stage 1 of the review. It was proposed that additional amendments to the Constitution be put to the Authority in due course as part of a second stage following consideration and input from a Member Working group. Members were keen that this Working Group be included within the resolutions to be approved at this meeting, Those Members that had previously taken part in Working Groups reminded their colleagues that attendance and participation in such groups was important. This amendment to the resolution was proposed by Cllr Galley, seconded by Cllr Barnes and agreed by the Authority.

A discussion followed regarding some Members concerns that the Constitution should be amended to include clear guidance regarding Environmental impacts, Sustainability and carbon reduction and that these matters should be considered and included in all future documents. This discussion resulted in agreement to examine the creation of a lead role for Environment & Sustainability, a paper would be submitted to a future meeting of the Fire Authority.

RESOLVED – That the Fire Authority:

- i. approved with immediate effect the changes to the East Sussex Fire Authority's Constitution outlined in paragraph 2.1(I to V inclusive) and in Appendices 1 to 3 inclusive;
- ii. authorised the Authority's Chief Fire Officer 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

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

- iii. noted the intention to form a Constitution Working Group, with Fire Authority Member attendance, who would work to create a further Report to the Authority proposing additional updates to the Constitution.

14 Review of the Terms of Reference of Human Resources and Principal Officer Appointment Panels

The Fire Authority considered the report of the Monitoring Officer (MO) proposing changes to the Terms of Reference of the Human Resources and Principal Officer Appointment Panels. The Service's Disciplinary Procedures were incompatible with the Gold Book Terms and Conditions of Service, under which the Principal Officers were employed. The proposed minor changes to the Terms of Reference of both the Human Resources and Principal Officer Appointment Panels would address this issue.

RESOLVED – That the Fire Authority:

Approved with immediate effect the amended Terms of Reference for the Human Resources and Principal Officer Appointment Panels as set out in Appendix 1; and

Authorised the Assistant Director Planning & Improvement to amend and re-publish Section B of the Constitution to reflect those amendments.

The meeting concluded at 11.08 am

Signed

Chairman

Dated this

day of

2020