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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, 7 December 2023.

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Asaduzzaman, Azad, Dowling, Evans, Geary, Goddard, Maples, Marlow-Eastwood, Muten, Osborne, Redstone, Scott, Shing, Theobald and West

Also present: D Whittaker (Chief Fire Officer & Chief Executive), D Norris (Deputy Chief Fire Officer), M Matthews (Assistant Chief Fire Officer), A Ghebre-Ghiorghis (Monitoring Officer), D Savage (Assistant Director Resources/Treasurer), L Woodley (Deputy Monitoring Officer), H Scott-Youldon (Assistant Director Operational Support & Resilience), A Avery (Finance Manager), N Boruch (Interim Estates Manager), V Waters and A Blanshard (Democratic Services Manager)

169 Declarations of Interest

There were none.

170 Apologies for Absence

Apologies had been received from Councillor Ungar.

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

The Chairman welcomed Councillor Stephen Shing to his first meeting since being appointed to the Fire Authority in October.

172 To consider any public questions

There were none.

173 To receive any petitions

There were none.

174 Non-confidential Minutes of the Previous Meeting

RESOLVED – That the minutes of the meeting held on 7 September 2023 be approved and signed by the Chairman.

175 Callover

Members reserved the following items for debate:

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239 Provision of Monitoring Officer, Deputy Monitoring Officer & Legal Services

240 2024/25 to 2028/29 Strategic Planning and Medium Term Financial Plan

241 Integrated Transport Function – Fort Road Site, Newhaven

176 Provision of Monitoring Officer, Deputy Monitoring Officer & Legal Services

The Monitoring Officer and Deputy Monitoring Officer left the meeting for the duration of this agenda item.

The Fire Authority considered the report of the Assistant Director Resources/Treasurer (ADR/T) presenting Members with the arrangements for the provision of legal services and Monitoring Officer support from 1 April 2024. The current legal services collaboration between the Fire Authority and Brighton & Hove City Council (B&HCC) was due to expire on 31 March 2024. The Authority had already exercised its right to a two-year extension provided for within the collaboration agreement which had commenced 1 April 2019. As the Fire Authority was responsible for the appointment of the Monitoring Officer and Deputy Monitoring Officer the report included the current position and recommended a course of action which suited business need and secured best value.

There was some discussion about what the primary job of the Monitoring Officer (MO) was, whether there had been any incidents or problems, and why the report had gone straight to the Fire Authority rather than to one of its panels. Members also queried why other alternatives were not set out in more detail in the report. The Monitoring Officer was the chief legal advisor to the Fire Authority and the Senior Leadership Team and the role was a statutory function as set out in the Fire Authority's Combination Order. Historically, since the creation of the Fire Authority in 1997, this function has been provided to the Fire Authority by Brighton & Hove City Council as part of the split between constituent authorities, with East Sussex County Council providing support through its financial services team & internal audit. The Deputy Monitoring Officer was appointed by the MO and contracted to East Sussex Fire & Rescue Service for 2 days a week, providing a wide range of legal support including prosecutions, and support for governance matters. The Service also bought into a wider legal provision from B&HCC, this was very responsive was cost effective in terms of benchmarking. There were regular meetings with Solicitors, and flexible, 24h access to support and specialist law advice available when required. Any issues with the service had a means of escalation and were dealt with promptly. It was felt by Officers that the service provided by B&HCC was exceptional, the MO and DMO were present at all meetings and briefings as well as providing support to the Service that was over and above that which was contracted.

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The ADR/T confirmed that this report did not need to be presented to either of the Panels as the decision was reserved to the Fire Authority and not delegated, as it included the appointment of the Monitoring Officer.

Members were clear that in future they would prefer this report to contain more detail on the other models and any collaboration opportunities and clearly articulate the other options that had been considered to allow Members to make a more informed decision. Officers noted this request and would ensure that in future reports more detail on options and alternatives considered would be included.

RESOLVED – The Fire Authority agreed:

- i. that the Monitoring Officer of Brighton & Hove City Council continue to be the appointed Monitoring Officer for the Authority;
- ii. that the provision of Legal Services, Monitoring Officer appointment and deputising arrangements are to be provided by Brighton & Hove City Council for a three-year period with the option to extend for a further two years;
- iii. to delegate authority to the Assistant Director Resources/Treasurer to agree the detail of the new agreement with Brighton & Hove City Council; and
- iv. to note that, in accordance with the Authority's Procurement Standing Order (PSO) 4.1, the Treasurer, after consultation with the Monitoring Officer, Procurement Manager and Chairman, has approved a waiver of PSO 2.7.

177 2024/25 to 2028/29 Strategic Planning and Medium Term Financial Plan

The Fire Authority considered the report of the Assistant Director Resources/Treasurer (ADR/T) which provided Members with an update on the Authority's financial planning position in advance of the receipt of the Provisional Local Government Finance Settlement (LGFS) for 2024/25 and the submission of budget proposals and a refreshed Medium Term Finance Plan (MTFP) to the Fire Authority at its meeting in February 2024. The ADR/T explained that this report provided an update on the position since September and that there had been a number of changes since the report was written. The Senior Leadership Team (SLT) had met on 28 November 2023 to discuss a number of proposals that could allow a balanced budget to be set. This was reflected in the body of the report and included the requirement to take all the savings set out in Tranches 1-4 in order to reach a balanced budget.

There remained significant financial uncertainty due to another 1-year settlement and a Parliamentary General Election in 2024 with no party indicating that there would be increased investment in the Fire Sector. There was a risk that even a May 2024 election would not leave sufficient time to carry out a Comprehensive Spending Review and this could result in a further

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one year settlement for 2025/26. A significant proportion of the savings and flexibilities being considered were one-offs and would be presented to the January meeting of the Policy & Resources Panel before a final decision being taken by the Fire Authority at its meeting on 8 February 2024. The ADR/T reminded Members that the lower levels of reserves meant that there was less financial flexibility and it was important that there was a realistic reduction in ambition and acceptance of what could be achieved in the current financial climate. The settlement figures were not due until 19 December 2023, but the Government had published a revised Local Government Funding Policy Statement which confirmed the Council Tax referendum principles. It was disappointing that despite presenting a strong case for additional council tax flexibility of £5, the fire sector had only been allowed a maximum of 3%. This was particularly key for ESFRS as 70% of its funding was collected through Council Tax. There would also be some impact following Rother District Council's proposal to introduce a 100% discount through its Local Council Tax Reduction Scheme, this would equate to a reduction in funding of £40,000 for ESFRS which may be offset in part if Rother adopts additional flexibilities regarding empty homes offered within the Levelling Up and Regeneration Act 2023. In response to questions from Members the ADR/T confirmed that some other Local Authorities in the area had already agreed to introduce the Levelling Up and Regeneration Act flexibilities but some had not and may yet decide to do so.

Members thanked the ADR/T for a comprehensive report and expressed their concerns resulting from the decision not to grant the fire sector additional Council Tax flexibility which the Authority had lobbied strongly for. Members discussed the impact of raising Council Tax on local council tax payers given the current financial situation but recognised that in the absence of a sustainable financial settlement from government then increasing council tax was the only way to protect local services. The Fire Authority agreed that they faced some difficult decisions but thanked officers for being innovative in their approach to savings options and working so hard to balance the budget. Members had a lengthy discussion during which many concerns for future funding, and the expectation on the Service to perform more for less money were aired. These included concerns around the Service being able to plan properly when in receipt of 1-year settlements and that the Government need to address this manner of local government funding. Members were also frustrated at the lack of continuity in central Government, repeated changes of Ministers meant that the lobbying work being undertaken on behalf of the Fire Authority was more challenging than it should have been.

Members asked the ADR/T to explain what the consequences would be of reserves dropping below the Fire Authority's agreed minimum level of 5%. The ADR/T explained that as reserves reduced then so too would the Authority's flexibility. Reserve levels were benchmarked and up until this point the Authority's reserves had been around the average, but they had been reducing significantly and at speed as they had been used to fund agreed investment in IT, Estates and Fleet and to balance the current year's budget. The MTFP included additional contributions into General Balances so as to achieve the 5% policy minimum by 2027/28.

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Members sought assurance that the financial situation would not cause a delay to the redevelopment works at Preston Circus. The ADR/T reminded the meeting that the Policy & Resources Panel had agreed to the additional funding for that scheme and the Service was in the process of moving towards a start date for building works and a decant of staff from the fire station. Estates was a challenge, but the refurbishment of Preston Circus, Fort Road (Newhaven) and the three remaining wholetime stations had already been committed to and would be undertaken, but after that a review of the Estates Strategy would be critical as it would be unaffordable in its current form. This review would be carried out in 2024/25.

Members discussed the importance of addressing and managing down the levels of overtime and in considering other crewing models in particular addressing the difficulty that was caused by the on-call model and how societal changes had meant that nationally recruitment to this model was a problem. The CFO confirmed that there was a national group considering the issue of on-call recruitment and that Members would be given an update on this at a future Members Seminar.

RESOLVED – The Fire Authority:

- i. agreed to note the report and its assessment of the potential funding gap for 2024/25;
- ii. provided comment on the risks set out in 4.6 and the assumptions set out in the report; and
- iii. provided comment on the savings proposals set out in the report and that they would be presented with formal proposals for decision in February 2024.

178 Integrated Transport Function - Fort Road Site, Newhaven

The Fire Authority considered the report of the Assistant Director Operational Support & Resilience (ADOSR) providing Members with an update on the business case for the re-development of the Fort Road site in Newhaven and seeking approval to vary the capital programme to reflect the scheme costs. The ADOSR gave the Authority a recap of the timeline and the funding provisions, as set out in the body of the report. The main risks to the project included potential slippage to planning timescales, time taken for procurement processes, main drain diversion and an intrusive search for RAAC.

Members asked what liaison had been undertaken with other blue light services and other organisations with heavy fleet vehicles. The ADOSR reminded Members that this project had a long history and had been regularly reported to the Authority, the background papers and history of the Integrated Transport Function (ITF) was available online. The ADOSR gave a brief reminder that the ITF work had been underway in various guises for well over 8 years and lengthy negotiations had taken place with South-East Coast Ambulance Service, Sussex and Surrey Police and other local authorities. As there had been no workable options to progress in a collaboration the

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approach to the project had changed, and it was this that had been presented to Members over the past few months, culminating in this report. Continuing with the current provision was no longer an option and the grant was running up to its deadline for being utilized.

Members thanked officers for a comprehensive report and queried the contingency fund level and outsourcing figures. The ADOSR confirmed that the figure of £80,000 was a conservative estimate, currently the Service outsourced all the heavy fleet maintenance but by bringing Fort Road online as the Engineering hub the Service would have the capacity and facilities to bring all this in-house and potentially create opportunities to undertake work for other organisations. The Interim Estates Manager (IEM) confirmed they were confident in the contingency planning and fund level which was in accordance with best practice. The IEM confirmed that pre-planning advice had been sought and any delays would be mitigated by resequencing the programme. The anticipated timeframe would be to submit the planning application in February 2024 with a view to completion of the project by 2025.

In response to a query from Members the ADOSR confirmed that the intention was to move existing engineering staff from Bexhill to Newhaven and that the current staffing profile meant that there would be some apprenticeship opportunities opening up in Newhaven as a direct result of the move.

The Authority discussed RAAC more generally and were informed by the IEM that there were 9 properties within the Service's estate that were deemed to be of low risk, and these were being investigated by structural engineers. Members would be updated on results and progress at a future Members Seminar if required.

RESOLVED – The Fire Authority agreed that:

- i. The existing capital schemes for Integrated Transport and Fort Road RIBA Stages 1-2 would be deleted and replaced with a new scheme Fort Road – Engineering Workshop and that the gross funding for the scheme is increased from £0.880m to £2.836m;
- ii. The Fire Transformation Fund grant of £1.5m is recognised in the capital asset strategy giving a net scheme budget of £1.336m; and
- iii. The forecast revenue consequences of the scheme would be built into the MTFP.

The Fire Authority agreed to note that the Senior Leadership Team had approved the full business case.

The meeting concluded at 12.12 pm

Signed

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Chairman

Dated this

day of

2024

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