

EAST SUSSEX FIRE AUTHORITY

Report of a meeting of the East Sussex Fire Authority held at County Hall, St. Anne's Crescent, Lewes BN7 1UE at 10:30 hours on Thursday, 6 December 2018.

Present: Councillors Barnes (Chairman), Deane, Dowling, Elford, Galley, Lambert, Morris, O'Quinn, Osborne, Peltzer Dunn, Smith, Taylor, Theobald and Tutt.

N.B. Apologies were received from Councillors Penn, Scott and Sheppard.

The agenda and non-confidential reports can be read on the East Sussex Fire & Rescue Service's website at <http://www.esfrs.org/about-us/east-sussex-fire-authority/fire-authority-meetings/> A brief synopsis and the decisions relating to key items is set out below.

1 TRIBUTE & MINUTES SILENCE

- 1.1 The Chairman invited Members and Officers to join him in a moment of reflection following the sad death of Councillor Stuart Earl on 18 October 2018 after a short illness. Councillor Earl had been appointed as a Member of the Fire Authority in June 2013 following his election to East Sussex County Council as the Independent Member for Bexhill West.
- 1.2 Councillor Earl was a popular, well respected and hardworking Member of the Fire Authority and the Pension Board and worked closely with Officers and Members alike, particularly in his role as Member Lead for Health and Safety. The Fire Authority would miss him both personally and for his dedication to the work of the Authority.
- 1.3 Those present stood for a minutes silence to allow everyone the opportunity to remember Councillor Earl in their own way.

2 PROVISION OF MONITORING OFFICER, DEPUTY MONITORING OFFICER & LEGAL SERVICES

The Monitoring Officer left the room for the duration of this item.

- 2.1 The Fire Authority received a report setting out and seeking approval for the arrangements for the provision of Legal Services and Monitoring Officer support from 1 April 2019.
- 2.2 The Authority were informed that the Legal Services agreement between East Sussex Fire Authority and Brighton & Hove City Council (BHCC) was due to expire on 31 March 2019. The Authority was responsible for the appointment of the Monitoring and Deputy Monitoring Officer and the report outlined the current position recommending a course of action which would suit business need and secured best value.

- 2.3 In response to a query regarding regular overspends, Members were informed that there had been more legal issues to deal with over the past 4 years than could have been anticipated and this was likely to be ongoing. Day-to-day provision of legal support amounted to almost half the budget allocation, this cost, and other regular service provision had been consistent and as expected. The overspends were linked to additional legal work including conveyancing for the sale of service houses, the St Michaels Hospice case and matters arising from the Sussex Control Centre and the contract with Remsdaq for the provision of a mobilising system.
- 2.4 The ADR/T explained that these extra cases had required the instruction of QCs, extensive legal advice throughout negotiations and commercial arrangements. It was therefore these external legal advice costs that added to actual spend. It was anticipated that the continued situation regarding SCC would mean additional legal work and the associated costs would be incurred.
- 2.5 The ADR/T added that the rates charged by BHCC had been benchmarked and compared favourably, demonstrating that the Authority was getting good value for money. Going externally had been evaluated, but the service provided by BHCC through Orbis had added value areas including:
- out of hours response, invaluable bearing in mind the 24/7 nature of ESFRS work;
 - specialist lawyers across all fields;
 - consistency with the public sector partnership and collaboration aims; and
 - a high level of understanding of the Fire sector and our specific working practices.
- 2.6 The ADR/T added that the Senior Leadership Team (SLT) had noted an improvement over the past 18 months in the performance monitoring and profile of the experts at BHCC.
- 2.7 The Authority resolved that the Monitoring Officer of Brighton & Hove City Council continue to be the appointed Monitoring Officer for the Authority. Also, that the provision of Legal Services, Monitoring Officer, appointment and deputising arrangements are to be provided by BHCC for a three-year period with an option to extend for two further years. The Members delegated authority to the Assistant Director Resources/Treasurer to agree the detail of the new agreement with BHCC.

3 COLLABORATION FRAMEWORK & PRIORITIES (2018-2021)

- 3.1 The Fire Authority received a report presenting Members with the ESFRS Collaboration Framework & Priorities (2018-2021) document. It provided an oversight on current work being undertaken in relation to collaborations, capturing both the principles of collaboration and the areas of work were captured together.

- 3.2 Members felt the document highlighted the way in which ESFRS was driving collaboration as hard as it could and looking for new opportunities where possible. They were pleased with current collaboration progress and felt the move to shared Headquarters and the collaboration with Sussex Police was a good example of collaboration working well.
- 3.3 That the Authority resolved to approve the adoption of the ESFRS Collaboration Framework & Priorities (2018-2021) document and requested that the progress of the priority collaborations would be reported to the Scrutiny & Audit Panel on a quarterly basis.

4 INDEPENDENT REVIEW OF THE FIRE AUTHORITY GOVERNANCE – OUTCOME REPORT

- 4.1 The Fire Authority considered a report which provided Members with an update on the outcomes and recommendations following the independent review of the governance of the Authority, which had been undertaken by the Good Governance Institute (GGI). Members were reminded that in December 2017 East Sussex Fire Authority became the first in the country to commission an independent review into the political and organisational governance arrangements in place across the Authority and in relation to East Sussex Fire & Rescue Service.
- 4.2 The Authority recognised that good governance was essential to address the challenges that the public sector face and to ensure public engagement and transparency in service delivery. They were informed that following the early inspections, the HMICFRS had now included governance as part of its inspection regime.
- 4.3 The final report of the Good Governance Institute had been shared with a Member Reference Group (MRG) and that the report in front of the Authority had been created from these discussions and recommendations. Some Members expressed disappointment that GGI did not seem to have fully addressed the size of the Fire Authority, the work of the Panels and how the Panels worked together. Whilst overall Members were not of the opinion that there needed to be an immediate change to the size of the Authority it was acknowledged that there was some evidence that smaller boards could be more effective, but that the Authority must also be cognisant of the need to ensure that its size of membership allowed for appropriate political proportionality.
- 4.4 The GGI had used benchmarking figures created by BHCC officers to make their recommendation regarding the size of the Authority. Members were reassured that this showed that whilst the recommendation was to consider a reduction, the figures showed that ESFA was of average size. The Combination Order required proportionality to be calculated on the electoral figures of both ESCC and BHCC, if there had been a substantial change in either authority then a review would be required automatically. The Senior Democratic Services Officer was working with colleagues at the constituent Authorities to establish whether this may be required.

- 4.5 Members were reminded that all Panel papers were published on the Service website, but only posted to the members of the relevant Panel. A report would be presented to the December meeting of the Senior Leadership Team requesting approval for the purchase and implementation of committee management software. If agreed, this system would allow greater accessibility to papers for both Members and the public. Members expressed their support for such a system being introduced.
- 4.6 With some discussion, the Authority took a decision on each recommendation detailed in the Report. All twelve of the recommendations that had been made by the MRG were agreed by the Authority. Particular attention was paid to the recommendations referenced below.
- 4.7 Recommendation 5: Members were keen for the induction programme to be refreshed and felt it would be helpful for both new and existing Members to attend. There was also support for prospective Members to be given more information on the requirements of being a Member of the Fire Authority from their relevant Constituent Authority, either BHCC or ESCC as applicable.
- 4.8 Recommendation 10: Members welcomed the proposal of an improved "Expectation of Members" document, it was generally felt that there was a feeling that attendance at events outside of meetings were "extra-curricular" where actually they formed an integral part of the role of Member of the Fire Authority. Officers confirmed that all staff appreciated it when Members attended these events. It was agreed that measuring and sharing attendance at these events was important. Members were urged by the Chairman to form and build relationships with their local stations.

5 URGENT CONFIDENTIAL ITEM: FIRE BRIGADES UNION UPDATE

- 5.1 The Authority conducted a discussion under confidential session regarding a press release issued by the Fire Brigades Union which had declared that a vote of no confidence had been taken by its membership in the Senior Leadership Team of East Sussex Fire & Rescue Service. Members discussed this in depth and were keen to express their full support in the SLT and were keen to issue a response as a united Authority. It was agreed therefore that the resolution of this confidential discussion would be made public.
- 5.2 The Fire Authority agreed to record its full confidence in the Senior Leadership Team of East Sussex Fire & Rescue Service. Members recorded their disappointment that the Fire Brigades Union had chosen not to submit its notice of a no-confidence vote through the agreed channels.
- 5.3 The Authority resolved that it be further recorded that the matter raised by the Fire Brigades Union as its basis of a no-confidence vote, namely the potential introduction of appliances of differing size, is one which was set in process in 2014 and was being investigated in accordance with declared policy of the Fire Authority. It would be carried out, as always, in accordance with the relevant policies and procedures and would be subject to full consultation before a decision on any changes is reached and implemented.

**COUNCILLOR JOHN BARNES
CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY**

6 December 2018

