

**EAST SUSSEX FIRE AUTHORITY**

Date: **10 December 2007**

Title: **Note of the Scrutiny & Audit, Policy & Resources, Urgency and Standards Panel meetings held since the last meeting of the Fire Authority.**

By: **Clerk**

Purpose of report: **To report upon the Panel meetings held since the last meeting of the Authority with regard to those issues of greater significance or requiring a decision from the Fire Authority.**

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**RECOMMENDATION:** The Fire Authority is asked to:

a) note the report; and

Scrutiny & Audit Panel (27 September 2007)

- b) approve the outcome of the Best Value Review on Hydrant Management;
- c) approve the outcome of the Business Audit IRMP 2004/05 RTC Standards;

Standards Panel (27 September 2007)

- d) approve the revisions to sub-sections 1 and 3 of Section F of the Fire Authority's Members' Handbook as shown in Appendix A to this report, and as amended in para 1.3 of this report;

Scrutiny & Audit Panel (22 November 2007)

- e) approve the recommendations in Section 2.2 regarding the re-positioning of some risks in the Register; and
- f) approve the recommendations in Section 2.5 – 2.7 regarding the possible removal of some risks from the Register.

Scrutiny & Audit Panel (22 November 2007) and Standards Panel (22 November 2007)

- g) adopt the new Contract Standing Orders at Appendix B of this report;
- h) approve the transfer of the new Contract Standing Orders to Part 4 of Section C of the Member's Handbook, to be numbered separately from the other parts of Section C;
- i) authorise officers to make consequential layout and numbering amendments, as appropriate, to the other parts of Section C of the Members' Handbook;
- j) authorise officers to make further minor amendments to the draft document prior to its consideration by the Fire Authority; and
- k) approve the revisions to sub-section 2 of Section F (Anti-Fraud and Corruption) of the Fire Authority's Members' Handbook as shown in Appendices C and D of this report;

## **MAIN ISSUES**

There have been six Panel meetings since the last ordinary meeting of the Authority. These are listed below:

Scrutiny & Audit Panel – 27 September and 22 November 2007

Standards Panel – 27 September and 22 November 2007

Urgency Panel – 27 September 2007

Policy & Resources Panel – 22 November 2007

Where a Panel has considered a report which is separately on the agenda for this meeting of the Authority for decision or information, a note of the Panel's recommendation has been included in the report to the Authority. Not all the business issues covered by the Panels are summarised in this report, only the issues of greater significance requiring a decision from the Fire Authority. Any Member wishing to see the minutes of any Panel is requested to contact the Clerk.

It should be noted that there were two confidential/exempt items considered at the Urgency Panel meeting on 27 September 2007 and these are detailed on a separate report, Item No. 175B.

## **CLERK TO THE FIRE AUTHORITY**

23 November 2007

### **Background Papers:**

Scrutiny & Audit Panel – 27 September and 22 November 2007

Standards Panel – 27 September and 22 November 2007

Urgency Panel – 27 September 2007

Policy & Resources Panel – 22 November 2007

## **SCRUTINY AND AUDIT PANEL Meeting on 27 SEPTEMBER 2007**

**Present: Councillors Carden, Freeman, Mrs Healy, Howson, Kemble (Chairman), Livings, Murphy and Rufus (co-opted).**

### **1. AUDIT COMMISSION'S ANNUAL GOVERNANCE REPORT 2006/07**

1.1 The Panel considered a joint report of the Chief Fire Officer & Chief Executive and Treasurer that presented the results of the Audit Commission's Annual Governance Report 2006/07. The Audit Manager, Grahame Brown explained that the Fire Authority had received a very good Audit and that he had received first class assistance from the officers. The Statement of Accounts and Letter of Representation were duly signed by the Chairman of the Panel, the Chief Fire Officer & Chief Executive and the Treasurer.

1.2 **RESOLVED** – That the Report be approved.

### **2. BEST VALUE REVIEW OF HYDRANT MANAGEMENT**

2.1 The Panel considered a report of the Chief Fire Officer & Chief Executive that sought their approval of the outcome of the 2007/08 Best Value Review on Hydrant Management. Members were informed that hydrants were costly to install and it was important to ensure that they were accessible and effective. The Assistant Chief Officer explained the need to review hydrants in the light of the use made of MODAS, and the increased use of 1:7 foam, to ensure that hydrants were managed in the most cost effective way

2.2 **RESOLVED** – That the Fire Authority **BE RECOMMENDED** to approve the outcome of the Best Value Review on Hydrant Management.

### **3. BEST VALUE AND BUSINESS AUDIT PROGRAMME FOR 2007/08 SIX MONTH PROGRESS REPORT**

3.1 The Panel considered a report of the Chief Fire Officer & Chief Executive that advised them on the progress made on the Best Value & Business Audit Programme for 2007/08.

3.2 **RESOLVED** – That:

- 1) the report be noted; and
- 2) the following lead Members be approved:

Cllr Mrs Beryl Healy	BVR Estates Management
Cllr Sven Rufus	BVR Learning & Development (lead)
Cllr John Wilson	BVR Learning & Development (support)
Cllr Jon Freeman	CAA/CPA
Cllr Mike Murphy	CAA/CPA
Cllr Philip Howson	Audit Programme
Cllr Ted Kemble	Overall programme

### **4. BUSINESS AUDIT: IRMP 2004/05 RTC STANDARDS**

4.1 Members considered a report of the Chief Fire Officer & Chief Executive that sought their approval of the outcome of the 2007/08 Business Audit on the IRMP 2004/05 RTC Standards.

4.2 **RESOLVED** – That the Fire Authority **BE RECOMMENDED** to approve the outcome of the Business Audit.

**Councillor T Kemble**

**CHAIRMAN OF THE SCRUTINY AND AUDIT PANEL**

1 October 2007

## STANDARDS PANEL Meeting on 27 September 2007.

**Present: Mrs Redman (Chair) and Mr LeGarst and Councillors Mrs Healy, Simpson and Thomas.**

### 1. MEETING OF INDEPENDENT MEMBERS

1.1 It was noted that there would be a meeting of Independent Members in Andover during October 2007. Members considered the Chair's request that East Sussex be offered as a venue for their meeting in Spring 2008.

1.2 **RESOLVED** – That the Chair's request be noted and the panel advised of the practicality of doing so in due course.

### 2. CODES OF CONDUCT FOR MEMBERS AND FIRE AUTHORITY EMPLOYEES

2.1 The Panel considered a joint report of the Monitoring Officer, Treasurer and Chief Fire Officer & Chief Executive that sought approval for amendments to Section F of the Members' Handbook (Codes of Conduct for Members and Fire Authority Employees).

2.2 At its meeting on 7 June 2007, the Fire Authority had approved a new Code of Conduct for Members and had agreed that the Code of Conduct For Employees should also be reviewed to maintain consistency with the new Members' Code. The opportunity had been taken to review other sub-sections within Section F of the Members' Handbook, and the Deputy Monitoring Officer presented the suggested changes to Members.

2.3 Members considered a further suggested amendment, to Section 1, paragraph 3.2, which stated that: 'employees should, *after consulting with the appropriate principal officer*, provide the relevant information, including confidential information, to them.'

2.4 **RESOLVED** – That:

a) the Fire Authority **BE RECOMMENDED** to approve the revisions to sub-sections 1 and 3 of Section F of the Fire Authority's Members' Handbook as shown in Appendix A to this report, and as amended in para 7.3 above; and

b) it be noted that work was progressing on revisions to sub-section 2 of Section F of the Fire Authority's Members' Handbook.

**Mrs J Redman**

**CHAIR OF THE STANDARDS PANEL**

1 October 2007

## **POLICY & RESOURCES PANEL Meeting on 22 November 2007.**

**Present: Councillors Gadd, Kemble, Murphy (Chairman), Pidgeon, Rufus, Scott, Skilton and Sparks.**

### **1. REGIONAL MANAGEMENT BOARD UPDATE ON REGIONAL CONTROL CENTRES – HR UPDATE.**

1.1 The Panel considered a report of the Chief Fire Officer & Chief Executive which provided them with the latest minutes from the Regional Management Board regarding the Transfer of Undertaking Protection for Employees 2006 (TUPE).

1.2 Members were informed of the outcome of the discussion and the subsequent decision taken, i.e. "*The Regional Management Board notes the TUPE regulations 2006 and opts, in principle, for the Local Authority Controlled Company to make the redundancies. However, local Fire & Rescue Authorities may wish to consider other options in the interim period.*" The move to the Regional Control Centre was expected to take place during 2011/12 and would be phased in over a period of time - East Sussex FRS would be seventh of the nine FRSs in the SE Region to migrate over to the new arrangements.

1.3 Members were also informed that only one member of staff was considering the move to Fareham. Staff were reported to be content with the communication and support being offered and were prepared to wait until further into the process before making any decisions about their future. Should staff indicate a wish to stay with East Sussex Fire Authority, appropriate training would be provided to enable them to help them be in a better position to seek redeployment within the Authority, if suitable posts became available. In addition, it was likely that some support posts would be likely to be required for functions currently performed by M&CC personnel that would need to be retained within the organisation.

1.4 **RESOLVED** – That the decision of the Regional Management Board be noted.

### **2. UPDATE ON REVIEW OF STRATEGIC POSITION**

2.1 The Panel considered a report of the Chief Fire Officer & Chief Executive which detailed the outcome of the Members Seminar with regard the Strategic Direction of the Fire Authority. It was noted that staff throughout the organisation would now be consulted and a final report brought to the Fire Authority meeting in February 2008.

2.2 **RESOLVED** – That the report be noted.

### **3. FIRE AUTHORITY SERVICE PLANNING PROCESSES FOR 2008/09 AND BEYOND.**

3.1 The Panel received an earlier version of the report set out as Agenda Item 179 below.

3.2 **RESOLVED** – that the report be noted.

#### 4. **CORPORATE MANSLAUGHTER AND CORPORATE HOMICIDE ACT 2007**

4.1 The Panel considered a joint report of the Chief Fire Officer & Chief Executive and the Monitoring Officer on the implications of this new legislation on the Corporate Risk Management arrangements of the Fire Authority.

4.2 It was reported that one of the main changes of the Act was that it allowed consideration of aggregated management failings across a corporate body, rather than having to identify an individual's failings. It was noted that prosecutions against individuals could still be brought, for example under the Health & Safety at Work Act.

4.3 **RESOLVED** – That:

- a) the report be noted;
- b) officers be directed to seek appropriate Member and Senior Management training on this matter; and
- c) officers be directed to review the current and approved corporate risk arrangements and report back on recommendations to reduce the corporate risk consequences involved.

**Councillor M Murphy**  
**CHAIRMAN OF THE POLICY & RESOURCES PANEL**  
26 November 2007

## **SCRUTINY AND AUDIT PANEL Meeting on 22 NOVEMBER 2007**

**Present: Councillors Carden, Freeman, Mrs Healy, Howson, Kemble (Chairman), Murphy, Rufus (co-opted) and Wilson.**

### **1. OPERATIONAL ASSESSMENT OF SERVICE DELIVERY IMPROVEMENT PLAN**

- 1.1 The Panel considered a report of the Chief Fire Officer & Chief Executive that sought their approval of the draft Improvement Plan which had been identified as a Service key task area (KTA 18).
- 1.2 It was noted that the Operational Assessment of Service Delivery (OASD) was likely to be externally assessed every three years and was likely to be incorporated into the Direction of Travel Audit.
- 1.3 **RESOLVED** – That the draft Improvement Plan be approved.

### **2. PERFORMANCE INDICATOR RESULTS FOR 2<sup>ND</sup> QUARTER 2007/08**

- 2.1 The Panel considered a report of the Chief Fire Officer & Chief Executive that presented the second quarter performance indicator results for 2007/08.
- 2.2 The Chief Fire Officer & Chief Executive summarised progress on the Fire Authority's priority improvement areas. Performance had improved in eight areas since the last quarter, remained the same in 3 priority areas and declined in six areas since the last quarter.
- 2.3 **RESOLVED** – That the report be noted.

### **3. REVIEW OF HALF YEARLY PROGRESS ON 2007/08 IMPROVEMENT PLAN/BVPP AND RELATED KEY TASK AREAS**

- 3.1 The Panel considered a report of the Chief Fire Officer & Chief Executive that presented the second quarter progress on the actions identified in the 2007/08 Best Value Performance Plan, including the Fire Authority's Improvement Plan represented by the Key Task Areas.
- 3.2 It was noted that 24% of actions had been completed at the second quarter stage, 66% were on target to be completed within the original timescale and 10% contained major projects that have externally imposed timescales.
- 3.3 **RESOLVED** – That the performance results at the first quarter 2007/08 stage be noted.

### **4. CORPORATE RISK MANAGEMENT ANNUAL REVIEW 2007/08**

- 4.1 The Panel considered a report of the Chief Fire Officer & Chief Executive that presented the Annual Report on Corporate Risk Management and Statement of Internal Control.
- 4.2 Members approved the following changes to the recommendations on Appendix 2 to the report, 'Above the Line' risks and for the others to remain unaltered for the time being:

Risk 3 – change title to 'failure to meet CRE Level 3 by December 2008'

Risk 7 – move back to previous risk status of DII

Risk 12 – move back to previous risk status of DII

Risk 14 – change title to 'failure to take a strategically significant decision'

Risk 34 – change title to 'sustained adverse/extreme/abnormal weather'

4.3 Members approved the following changes to the recommendations on Appendix 2 to the report, 'Below the Line' risks and for the others to remain unaltered for the time being:

Risk 2 – change title to 'Authority receives a disappointing external performance assessment result'

Risk 10 – raise risk level above the line to CII

Risk 21 – delete risk as now included as Risk 2

Risk 23 – remove risk as sufficient work has been completed to resolve issues

Risk 27 – remove risk as sufficient work has been completed to resolve issues

4.4 **RESOLVED** – That:

- a) the current progress with revisions to the Corporate Risk Management (CRM) Policy be noted;
- b) the recommendations in Section 2.2 regarding the re-positioning of some risks in the Register be approved, as adjusted by the comments of the Panel with regard to Risk 14;
- c) the recommendations in Section 2.5 – 2.7 regarding the removal of some risks from the Register be approved; and
- c) the changes to risks agreed at paragraphs 398.3 and 398.4 above be approved.

## 5. **UPDATE ON COMPREHENSIVE AREA ASSESSMENT**

5.1 The Panel considered a report of the Chief Fire Officer & Chief Executive that gave an update on the recent developments in the Comprehensive Area Assessment regime, including the publication of the National Indicator Set, and on the current work in relation to this year's assessment.

5.2 The new assessments were designed to make public services relevant to the quality of life of local people, area- and outcome-focused, constructive and forward-thinking, and joint and participative. The Authority would not be assessed again until 2009.

5.3 It was noted that the national indicator set contained two fire specific indicators which were Arson Incidents and the number of primary fires and related fatalities and non-fatal casualties excluding precautionary checks.

5.4 Members were informed that, in order to receive Area Specific Funding in the future, the Authority would have to ensure that it was a primary leader amongst its partners and an integral part of the LAA process.

5.5 Discussions took place as the need for all Members and relevant officers to build effective partnerships with our local stakeholders for the foreseeable future to ensure the other stakeholders considered the wider benefits that could be offered by working with ESFRS personnel to address many of the community safety and community wellbeing focused areas, which were not fire service specific.

5.6 **RESOLVED** – That the report be noted.

## 6. **BEST VALUE AND BUSINESS AUDIT PROGRAMME FOR 2007/08 PROGRESS**

6.1 The Panel considered a report of the Chief Fire Officer & Chief Executive that advised on the progress made on the Best Value and Business Audit Programme for 2007/08.

6.2 **RESOLVED** – That the report be noted.

## 7. **CONTRACT STANDING ORDERS**

- 7.1 The Panel considered a joint report of the Chief Fire Officer & Chief Executive and Monitoring Officer that presented new Contract Standing Orders for their consideration. It would be the first major revision of Contract Standing Orders since the adoption of the current Contract Standing Orders when the Authority was created in 1997.
- 7.2 The report was referred to the Scrutiny and Audit Panel because the Panel is charged with overseeing the regulatory framework of the Authority, including the Authority's constitutional arrangements and the development of both financial management awareness and an anti-fraud culture. It was also referred to the Standards Panel as the Panel (a) promotes and maintains high standards of conduct by employees and (b) advises the Authority on the adoption / revision of any codes / guidance which govern the conduct of employees or are aimed at preventing fraud or corruption.
- 7.3 **RESOLVED** – That the Fire Authority **BE RECOMMENDED**
- 1) to adopt the new Contract Standing Orders at Appendix B of this report;
  - 2) that the new Contract Standing Orders be transferred to Part 4 of Section C of the Member's Handbook and be numbered separately from the other parts of Section C;
  - 3) that officers be authorised to make consequential layout and numbering amendments, as appropriate, to the other parts of Section C of the Members' Handbook; and
  - 4) that officers be authorised to make further minor amendments to the draft document prior to its consideration by the Fire Authority.

## 8. **ANTI-FRAUD AND CORRUPTION AND WHISTLE-BLOWING STRATEGY**

- 8.1 Members considered a joint report of the Chief Fire Officer & Chief Executive, Monitoring Officer and Treasurer that sought approval for amendments to sub-section 2 of Section F of the Members' Handbook (Anti-Fraud and Corruption Strategy). It was noted that the Code of Conduct included more background advice and gave better guidance than the previous Code.
- 8.2 **RESOLVED** – That :
- a) the Fire Authority **BE RECOMMENDED** to approve the revisions to sub-section 2 of Section F (Anti-Fraud and Corruption) of the Fire Authority's Members Handbook;
  - b) officers be authorised to make further minor amendments to the draft document prior to its consideration by the Fire Authority; (attached as Appendix C)
  - c) it be noted that an amended version of the Employees Guide will be produced containing appropriate information for all staff; and
  - d) officers be authorised to make further amendments to the document to take account of relevant legislation and/or best practice guidance from the Government, Audit Commission, or other relevant statutory bodies as well as CIPFA to ensure it remains fit for purpose.

**Councillor T Kemble**  
**CHAIRMAN OF THE SCRUTINY AND AUDIT PANEL**  
26 November 2007

## **STANDARDS PANEL Meeting on 22 NOVEMBER 2007**

**Present: Mrs Redman (Chair), Mr LeGarst, Councillors Carden and Mrs Healy.**

### **1. COMPLIANCE WITH ETHICAL REQUIREMENTS**

1.1 The Panel considered a report of the Deputy Monitoring Officer that reviewed compliance with the main ethical requirements of the Local Government Act 2000 over the past 12 months. Members were reminded that there was now a new Code of Conduct which incorporated the new guidance for gifts and hospitality and that the Code of Conduct for employees had also been reviewed. There had been no complaints to the Standards Board for England in respect of any Member of the Authority during this period.

1.2 **RESOLVED** – That the report be noted.

### **2. SIXTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEE: 15-16 OCTOBER 2007**

2.1 The Panel considered a joint report of the Deputy Monitoring Officer and Clerk that informed them of the recent Assembly of Standards Committees and any issues arising. One of the issues arising was the new method of local assessment which could cause practical difficulties if a complaint should go on to appeal. It was envisaged that the Authority would need at least one new Independent Member if it were to keep all complaint handling in-house. Reciprocal working with neighbouring councils was suggested as an option for dealing with appeals and, whilst this was generally felt to be a good idea, it was felt prudent for the Authority to advertise for a third Independent Member.

2.2 It was noted that there were to be additional revisions to the Members Code of Conduct and that Local Assessment guidance would be issued in the new year. It was felt that it would be advantageous to postpone the January 2008 Standards Panel until February/March 2008 as the January date would probably be too early to take the guidance into account.

2.3 **RESOLVED** – That

- a) the report be noted;
- b) authority be given to advertise for a new Independent Member to serve the Fire Authority; and
- c) the meeting of the Panel scheduled for January 2008 be postponed until February/March 2008.

### **3. INDEPENDENT MEMBERS' MEETING**

3.1 The Panel noted that arrangements were in hand to hold the next meeting of the Independent Members at East Sussex Fire and Rescue Headquarters on Tuesday, 11 March 2008 to commence at 11:00 hours.

3.2 **RESOLVED:** That the next meeting of the Independent Members be held on Tuesday, 11 March at 11:00 at East Sussex Fire and Rescue Service Headquarters.

**Mrs J Redman**  
**CHAIRMAN OF THE STANDARDS PANEL**  
26 November 2007