
REPORT OF THE LEAD CABINET MEMBER FOR RESOURCES

The Lead Cabinet Member for Resources, Councillor D Elkin, met on 21 and 30 January 2014.

Attendance: Councillor Elkin (Lead Cabinet Member for Resources)

Also present: Councillors Buchanan (1), Howson (2), Scott(1), Sheppard (1) and Webb (1)

1. Notice of Motion: Badger Culling on County Council Land

1.1 The Lead Cabinet Member has considered a report by the Chief Operating Officer concerning a Notice of Motion which was submitted by Councillor Scott.

The Notice of Motion states:

“Noting the start of the badger cull in Somerset and Gloucestershire and the possibility that Defra may roll out the badger cull across the rest of the UK, East Sussex County Council agrees not to allow the badger cull to take place on any of its County owned or leased land given that the science is not proven nor conclusive that a cull of badgers is the answer to eradicating Bovine TB from the countryside.”

The Chairman agreed that the Notice of Motion should be considered by the Lead Cabinet Member for Resources prior to it being reported to the Council Meeting on 11 February 2014.

It should be noted that in December 2007 the following motion was carried by the Council: *“That the Council take note of the conflicting conclusions of the Independent Scientific Group and the government’s Chief Scientific Adviser on the value of badger culling. The Independent Scientific Group concluded that badger culling is unlikely to contribute positively, or cost effectively to the control of cattle TB in Britain. The Government’s Chief Scientific Officer concluded, however, that the removal of badgers is the best option available at the moment but only where there is a high and persistent incidence of TB in cattle. Both concluded there should be continued research into a vaccine for badgers.*

The Council, therefore, urges the Government to improve the control of TB in cattle by improved control measures directly targeting cattle and by the development of an effective vaccine for badgers.”

1.2 The decision as to whether to allow a badger cull on Council land is an Executive decision for the Lead Member, but before making a final decision the Lead Member wished to consider the views of the County Council. These views will be reported back to the Lead Member to take into consideration in making a substantive decision.

1.3 Bovine tuberculosis (TB) is an infectious disease which predominantly affects cattle. In the UK, cattle are routinely tested for TB infection and any cattle which test positive are slaughtered. Farmers receive compensation, and the herd is placed under movement restrictions until it is judged to be free from the disease.

1.4 Although other animal species can also be affected by bovine TB, badgers were first suspected of being the wildlife reservoir for the disease in the 1970s. This led to two decades of targeted badger culling across the country. By 1996, as rates of bovine TB infections in cattle continued to rise, the Government requested a review of all the issues surrounding badgers, cattle and bovine TB. The subsequent ‘Krebs report’

RESOURCES

found that, whilst badgers appeared to be a significant source of bovine TB infection in cattle, the evidence for this was weak and further research was required.

1.5 The Randomised Badger Culling Trial (RBCT) was set up in response to the Krebs report. Trials took place between 1998 and 2007 and were intended to investigate for the first time, through large-scale field trials, the effects of badger culling on the incidence of TB in cattle. The RBCT saw both beneficial and detrimental effects of culling during the culling period, and the report hypothesised that culling disrupts badger behaviour to increase ranging and therefore potential for infectious contact ('perturbation'), increasing disease prevalence in badgers and subsequently in cattle. Ongoing post-trial analysis showed that once culling stopped, the detrimental effects diminished quickly. Interpretation of the evidence is still inconclusive.

1.6 In 2013, licensed badger culling pilots were authorised in Somerset and Gloucestershire to assess the humaneness, effectiveness (in terms of badger removal) and safety of controlled shooting of free-ranging badgers. Licences also permit cage trapping and despatch. Each licence has a four-year term and authorises control operations to be conducted over a continuous six-week period each year. No control operations can take place during specified close seasons.

1.7 No new applications for culling will be accepted until the Independent Panel of Experts has reviewed the pilot upon its completion in 2016. Once the Independent Panel of Experts has assessed culling in the pilot areas to establish whether controlled shooting is effective, safe and humane, Ministers will decide whether or not to roll out the policy more widely.

1.8 An injectable TB vaccine for badgers is available and the Department for Environment, Food and Rural Affairs (Defra) is funding a project using the vaccine in an area of Gloucestershire with high bovine TB incidence in cattle. The trial started in summer 2010 and is planned to run for five years (i.e. to 2015).

1.9 Between July and September 2013, Defra consulted on a Draft Strategy for Achieving "Officially Bovine Tuberculosis-Free" Status (OTF Status) for England. The draft strategy identified East Sussex as a "High Risk Area" for bovine TB. In High Risk Areas, bovine TB is endemic with a relatively high proportion of herds experiencing breakdowns, including repeat breakdowns, and a reservoir of infection in badgers. The objective of High Risk Area strategy is to halt and then reverse the increasing prevalence of bovine TB by addressing the disease in cattle and in badgers, and ultimately to achieve OTF status.

1.10 The draft strategy acknowledges the need to fill gaps in understanding about bovine TB and its spread and considers ongoing work to develop new tools to combat the disease such as diagnostic tests, vaccination and badger population control methods. A suite of potential options are proposed to achieve OTF status in high risk areas which include culling, vaccination and improved biosecurity. The Government has indicated that if badger culling trials are deemed to be a success post analysis of the current pilots, culling will be rolled out to 40 cull zones, targeting High Risk Areas.

1.11 A decision not to allow badger culling on County Council land is one for the Executive of the County Council to make. If such a decision was to be made the County Council would need to define what benefits a ban would confer on its area. As the evidence from the pilots is not yet available it is not possible to identify benefits and disadvantages of such a ban at this stage. Further background information is provided in Appendix 1 which is circulated separately to Members.

1.12 The Lead Cabinet Member **recommends** the County Council to –

RESOURCES

☆ (1) note the contents of the report in relation to Councillor Scott's Notice of Motion; and

(2) await the review of evidence from the current pilots by the Independent Panel of Experts in 2016 before expressing a view as to whether or not to allow badger culling on County Council land.

2. Notice of Motion: "Blacklisting" in the Construction Industry

2.1 The Lead Cabinet Member has considered a report by the Chief Operating Officer concerning a Notice of Motion which was submitted by Councillor Webb. The Notice of Motion states:

"This Council deplors the illegal practice of "blacklisting" within the construction industry. We will do all we can to ensure that any company proved to have been involved in illegal blacklisting practices and not to have indemnified their victims, will not be invited to tender contracts (where permitted by legislation) by the Council."

2.2 In line with the Council's practice the matter has been referred by the Chairman to the Lead Cabinet Member for Resources for consideration to assist and provide information to the County Council and help inform the debate.

2.3 Any decision which relates to the tender of a specific contract will be made at that particular time by the appropriate decision making body having due regard to the decision of the County Council in the matter.

2.4 The UK Government defines blacklisting as 'the systematic compilation of information on individual trade unionists and their use by employers and recruiters to discriminate against those individuals because of their trade union membership or because of their involvement in trade union activity'.

2.5 Blacklists are referred to in specific blacklisting legislation as 'prohibited lists' when concerned with trade union activity: 'Blacklisting in the Construction Industry' point 2. Source; Surrey County Council with acknowledgments to -;

- Value Wales
- Department for Business, Innovation, and Skills
- The Data Protection Act 1998
- Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA)
- The Employment Relations Act 1999 (Blacklists) Regulations 2010

(See Appendix 2 which has been circulated separately to Members).

Current East Sussex County Council (ESCC) Policies and Practice

2.6 ESCC spends approximately £57.3m per annum (2012) on Construction, Repairs & Maintenance. There are 109 suppliers in this category.

2.7 ESCC competitively tenders all goods, services and works over £100k (as outlined in the Procurement Standing Orders. The usual first stage of this process is Pre-Qualification. The Pre-Qualification Questionnaire (PQQ) enables the short-listing of those suppliers who meet ESCC criteria: this is conducted via on-line tendering tool (In-Tend).

2.8 The section on Good Standing relates to the reputable nature of organisations with which we do business (see Appendices 3 and 4 which have been circulated separately to Members). It seeks to drive 'best practice' business conduct and filter those suppliers found guilty of illegal practice.

RESOURCES

2.9 PQQs relating to construction include additional requirements. For example, contractors will be required to support the Build East Sussex supply chain initiative and other initiatives arising regarding training, work experience, apprenticeships. The rationale for this is to contract with professional and progressive suppliers whose business conduct meets the criteria of East Sussex County Council.

2.10 The Procurement Standing Orders have been communicated on the County Council's intranet and through its Procurement team.

2.11 The Lead Cabinet Member **recommends** the County Council to –

☆ note that the Procurement Standing Orders are based upon best practice and, by complying with these, the County Council already acts in a way which is sufficient and appropriate to support this Notice of Motion.

3. Notice of Motion: Fire Sprinkler Systems

3.1 The Lead Cabinet Member has considered a report by the Chief Operating Officer concerning a Notice of Motion which was submitted by Councillor Howson. The Notice of Motion states:

“That East Sussex County Council commits to install fire sprinklers in all new build council owned buildings. That should finances allow, East Sussex County Council would consider installing domestic sprinkler systems in any buildings owned by the County Council.

That this Council will also actively promote the use of fire sprinklers and encourage others to install them into any building where they are not otherwise required to by Building Regulations or Council Planning rules”

3.2 In line with the Council's practice the matter has been referred by the Chairman to the Lead Cabinet Member for Resources for consideration to assist and provide information to the County Council and help inform the debate, prior to it being reported to the County Council at its meeting on 11 February 2014.

3.3 The policy position as to whether sprinklers should be installed is an Executive decision, for the Lead Member or Cabinet, with individual decisions taken by officers at the design stage, but before making a final decision the Lead Member may wish to consider the views of the Council. These views can be reported back to the Lead Member to take into consideration in making a decision.

Schools

3.4 For new or refurbishment school building projects, the authority supports the process as set out by the Department of Education (DoE). In 2007 the DoE announced a new policy on sprinklers and their value as a measure against the risk of fire and arson. All new schools should have fire sprinklers installed except in a few low risk schools. Although the provision of sprinklers is not a requirement of the Building Regulations, the DoE expects that the Education Authority, Funding Body or overall 'client' of the scheme, should request, as part of the Employer's Requirements, that a risk assessment be undertaken to assess the validity of providing sprinklers in the scheme.

3.5 DoE Building Bulletin 100 (BB100) guidance clearly states that a sprinkler risk assessment is to be completed before any final decision is taken, and this is the process the authority takes when designing schools. Where the risk assessment comes out high, sprinkler systems are effectively mandatory. It should be noted that the sprinkler risk assessment in BB100 cannot be filled out by one person. Therefore,

RESOURCES

through the design process the authority ensures that the appropriate consultation is accomplished. This process requires input from numerous people including the Design Team, Police, Fire Service and School. . The risk assessment approach is undertaken for all East Sussex schemes, which ensures compliance with current guidance. The following East Sussex County Council (owned) Schools have either partially or fully installed sprinkler systems:

- Hurst Green Primary School
- Frant Primary School
- Tideway Secondary School
- Buxted Church of England Primary School,

3.6 A recent risk assessment exercise, carried out in consultation with the Council's Fire Safety Advisor and East Sussex Fire and Safety Authority, identified that the proposed new Primary School at Etchingham will not include a sprinkler system.

Non-schools

3.7 For non-school building projects (new or refurbishment) there is a requirement to comply with Building Regulations, specifically Part B (Fire Safety). These regulations clearly set out sprinkler requirements, generally based on a risk assessment which is undertaken as part of the design process.

3.8 To support the process the County Council mitigates risk in its estate through the employment of a Fire Advisor. This post supports the authority's Controller of Premises in undertaking and completing the legislative requirement of fire risk assessments for occupied premises. The role also supports design process for capital and revenue projects funded through the authority's building programmes.

3.9 In the past 10 years the Council's Assurance Team has recorded 46 claims associated to fire, totalling £7.8m. £7.4m of the total sum is associated to the 2005 arson fire at Tideway School Newhaven. The remaining £0.4m relates to other fire related incidents. These incidents are indicated in Appendix 5 which is circulated separately to Members. There have been no insurance claims relating to fire incidents for 2010, 2012 and to date in 2013.

3.10 Planning permission is not expressly required for sprinkler systems because the carrying out of improvements or alterations which affect only the interior of a building is not considered to be "development". As such, conditions could not be imposed on an application for planning permission requiring sprinkler systems to be installed. Any advice given to applicants would only be informative.

Proposed Amendment to the Notice of Motion

3.11 The current motion refers to domestic sprinkler systems which may not be suitable in the Council property environment. The County Council only manages and maintains properties owned by the Council and encouraging others to install sprinklers would be outside its jurisdiction so it is proposed that the original notice of motion be amended.

3.12 The Lead Cabinet Member **recommends** the County Council to –

☆ (1) note the contents of the report in relation to Councillor Howson's motion;

(2) agree to request the Executive to agree to install Fire Sprinklers in all Council owned buildings where it is considered to be the most appropriate solution as a method of fire control and where a full business case supports its inclusion; and

RESOURCES

(3) agree that the Count Council, in its role as Planning Authority, considers on a case by case basis whether an informative needs to be added to any future planning permission informing the applicant to consider any relevant fire risk assessment.

30 January 2014

DAVID ELKIN
Lead Cabinet Member for
Resources

EAST SUSSEX FIRE AUTHORITY

Report of a meeting of the East Sussex Fire Authority held at Fire & Rescue Service Headquarters at 10.30 hours on Thursday 12 December 2013.

Present: Councillors Barnes, Buchanan, Butler, Carden, Earl, Galley, Hawtree, Howson (Chairman), Peltzer Dunn, Powell, Pragnell, Rufus, Scott, Sheppard, Taylor, Theobald and Wincott.

1. Industrial Action by Fire Brigades' Union Members

- 1.1 The Fire Authority was informed of the current position on industrial action by members of the Fire Brigades' Union. The FBU has a trade dispute nationally about its members' pension arrangements and following a ballot, its members had voted in favour of industrial action consisting of strike action.
- 1.2 The FBU has run an additional ballot of its members, including control room staff, for industrial action short of strike action, which had been supported. This vote would supplement, but not replace, the current strike action ballot in England and Wales. 'Industrial action short of strike action' could include a refusal to work over-time or 'act up' in order to keep an appliance on the run.
- 1.3 The Director of Financial Services confirmed that the action so far had cost a net £5-10k, with an additional £10-20k for preparation of vehicles for cover; if the action became protracted or continuous, these costs would increase.
- 1.4 Contingency cover arrangements had been put in place at strategic locations and there was a local agreement in place with the FBU for firefighters to return to duty in the event of a major incident.

2. Service Planning Update 2014/15-2018/19

- 2.1 The Fire Authority considered an update on the Service planning process.
- 2.2 The Fire Authority had previously identified the need to deliver savings of approximately £7.1m, or 18.2%, of the current revenue budget over the next five years (in addition to £1.3m of savings already agreed for 2014/15), primarily due to expected reductions in grant funding from central government of over 75%. There is little indication of additional funding becoming available for the foreseeable future, with reductions in public funding expected to continue to 2020.
- 2.3 The Medium Term Financial Plan (MTFP) continues to model increases in Council Tax of 1.94% pa (i.e. below the expected referendum threshold of 2%) across the five years to 2018/19. This equates to an increase of £1.59 per Band D property in 2014/15 and £8.25 by 2018/19. The impact of accepting the 1% freeze grant would be a reduction in funding of £203,000 in 2014/15 against that currently modelled and, if the grant does not continue after 2015/16, a potential reduction in funding of £864,000 in 2016/17 (in comparison to that currently modelled).

2.4 Whilst previous savings, through the 'Service Prioritisation' and 'Facing the Challenge' programmes, have, in the main, protected operational services, the scale of the savings now required means that the Service Planning processes will need to cover all aspects of the Authority's functions including Prevention, Protection and Response. The financial situation means that difficult decisions will have to be made and the Authority will have to consider the way it delivers its services in the future. Members will consider a formal savings plan as part of the 2014/15 Revenue Budget and Capital Programme Report in the New Year.

3. Quarterly Report for July to September 2013

3.1 The Fire Authority considered the quarterly results for the period 1 July to 30 September 2013, during which period East Sussex Fire & Rescue Service responded to 2,721, calls, a 6.5% increase on the same period in 2012/13 (2,556) and a 5% increase on the same period 2011/12 (2,590). There were no fire fatalities during this period in 2013/14.

3.2 The Care Providers' scheme now has a total of 85 partner organisations signed up to refer vulnerable clients. During July to September the scheme produced 1,163 referrals for Home Safety Visits. Although there were no new partners joining the scheme, practitioners of six care organisations received awareness training.

3.3 Community Volunteers have now undertaken the first few Health and Wellbeing visits which are directed at members of the community who are aged over 80 and had their original visits over 3 years ago. The aim of the visits is to identify changes in the occupiers' circumstances, i.e. reduced mobility, hearing/sight impairments, trips and falls, heating/fuel poverty, hygiene/nutrition, general welfare, abuse, etc. Where issues are identified to assist the occupiers to continue to live independently and more safely in their own homes, the Community Volunteers will, with the occupiers' consent, refer the individuals to the appropriate partner agency to provide assistance.

3.4 The Chief Fire Officers' Association (CFOA) has confirmed its intention to host the Black Museum; this will have a very positive effect on its development and standing. Trading Standards have indicated their wish to contribute and benefit from the site.

3.5 ESFRS has been a key contributor to the implementation of a joint multi-agency tactical training programme which now takes place regularly. In addition, ESFRS staff will have key roles in planning and delivering a large scale real-time multi-agency exercise planned for next year. A range of memorandums of understanding (MoUs) covering a number of operational activities is being considered by the Sussex Emergency Services Operations Liaison Group (SESOLG) which will further ensure seamless and effective multi-agency working at operational incidents.

Councillor Philip Howson
Chairman of East Sussex Fire Authority

13 December 2013