

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 10:00 hours on Friday, 25 October 2019.

Present: Councillors Galley (Chairman), Lambert (Vice-Chair), Barnes, Boorman, Bowdler, Dowling, Ebel, Evans, Fox, Hamilton, Osborne, Peltzer Dunn, Powell, Scott, Taylor, Theobald and Tutt

N.B. Apologies were received from Councillors Earl-Williams, Pragnell, Sheppard and Smith

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 URGENT ITEMS AND CHAIRMAN'S BUSINESS

- 1.1 The Chairman informed the Authority that he had attended the ESFRS Annual Awards Ceremony in Hastings. Staff had enjoyed and appreciated the event and thanked those Members who had been able attend.

The Chairman informed the Authority that, along with the Chief Fire Officer and the Vice-Chair he had attended the recent Combined Fire Authorities Conference in Milton Keynes. There had been many useful updates including information on Pensions and wider sector funding issues which he would circulate to Members if they wished him to.

2 TO CONSIDER ANY PUBLIC QUESTIONS

- 2.1 A number of questions were received from Members of the Public. As the questioners were not able to attend the meeting to receive their responses in person the Chairman sent a written response to their question. The questions and responses would be published with the minutes as a matter of public record.

3 LOCAL GOVERNMENT FINANCE SETTLEMENT TECHNICAL CONSULTATION

- 3.1 The Fire Authority considered a report seeking their approval for the Authority's response to the Government's Local Government Finance Settlement (LGFS) Technical Consultation. It agreed to approve the response to the LGFS Technical Consultation and delegated authority to the Treasurer to finalise the responses in the light of any relevant changes to the NFCC response.

4 BUSINESS RATES POOLING

- 4.1 The Fire Authority considered a report seeking approval to participate in a re-established East Sussex Business Rates Pool. The Fire Authority agreed to approve the authority's membership of a re-established East Sussex Business Rates Pool. They delegated the final decision on whether to participate in the Pool to the Assistant Director Resources / Treasurer (ADR/T) after consultation with the Chairman and the Chief Fire Officer.

5 PROJECT 21 FUTURE MOBILISING - FINAL OPTIONS APPRAISAL

- 5.1 The Fire Authority considered a report presenting Members with the outcomes of the final due diligence stage of Project 21 – Future Mobilising Project, seeking their approval to implement the preferred option as recommended by the Senior Leadership Team (SLT). The Vice-Chair proposed a pause in the process requesting officers provide a further report detailing costings and requirements of a standalone control centre and the possibility of sharing accommodation with Sussex Police. This proposal was seconded by Cllr Powell. The Chairman asked that this proposal be held aside in order to allow the DCFO to introduce the report and for Members to fully debate the contents.
- 5.2 There was a brief introduction to the report ensuring all relevant points were covered. The due diligence work showed all four shortlisted options were possible but not without risk. It had been clear from the start of the process that each option would impact on staff, not just with regard to IT, but operationally too. There had been regular staff engagement throughout the process. Members of the SCC technical team (senior users) and the SCC Group and Station-Managers had been included on the analysis team.
- 5.3 The due diligence process had led to the Senior Leadership Team (SLT) being clear on a preferred option, to partner with Surrey as a member of a tri-service collaboration. Whilst the North-West (NW) Outsource solution was technologically preferable it was essential that Members considered the operational risk, impact on staff and potentially challenging industrial relations that may result from it. Lengthy discussion followed on the options presented to the Authority.
- 5.4 The Authority heard that the Surrey Outsource option was not without risk, there was no intention to play this down, but it was deemed that the risks were outweighed by potential future benefits. Whilst no guarantees could be made to SCC staff, this option meant the prospect of compulsory redundancies would be reduced. It was confirmed there would be no loss of accountability to ESFRS, under the Fire & Rescue Services Act the statutory duty of provision remained with ESFRS, although through a "Section 16 agreement" this could be delivered by working with a partner. The DCFO confirmed that the preferred option was not a straightforward commercial "outsource" but could be better described as being a tri-service partnership.

- 5.5 The DCFO closed by telling the Authority that, putting all concerns aside, the operational benefits of the proposed solution were immediate, the detail of these were included in the report. The responsibility of the Fire Authority and ESFRS was to provide a functional mobilising system and this proposed solution would achieve this and enable the Service to keep the communities of East Sussex safe.
- 5.6 There was some discussion on the long history of upheaval and change within Control provision, not just in East Sussex but nationwide. Members commented that ESFRS had expert staff who were valued but years of uncertainty had been a challenge reflected by many staff moving on to new employment. The Authority felt the cost of the proposed options was a concern and were disappointed that there appeared to have been no real consideration given to a standalone provision on the shared HQ site. Cllr Scott proposed, seconded by Cllr Evans, an amendment to the recommendations to defer any decision until Members had been presented with a fully costed option for a standalone control centre at the shared HQ in Lewes – this amendment was later withdrawn.
- 5.7 Some Members reminded their colleagues that any delay would not prevent them from having to make a difficult decision. They reminded the Authority that the standalone option had been considered by them previously and deemed not practical or affordable, but that this had regrettably not been included in detail in the report. The DCFO replied that it was not accurate to say that an option which included maintaining a control room in East Sussex had not been referenced in the report. The NW Hybrid option included reasonably robust costings. This was the most expensive option with limited operational advantage and could only ever be considered as a temporary solution. The national picture across the fire sector was that services were moving towards local shared services and collaborations. The costs of a standalone control provision would be considerably higher and the service less resilient than any of the four options considered in this process. There was a reasonably strong assumption that the cost of re-tendering for a standalone system would add an additional c. £2.5m to the costs outlined in the report. Whilst a standalone control option might technically be achievable it would be more expensive and against the national direction.
- 5.8 The debate continued with a discussion on the issues presented by a delay, including the supplier potentially no longer providing or supporting the current software; if this was the case ESFRS would have to re-provision fast. Remaining with the current situation was not possible in the long term. Some Members explained they would not be seeking a pause in the process but felt there should be a preference expressed by the Authority which should be progressed but a final decision deferred.
- 5.9 Everyone present agreed that SCC staff had remained resilient and loyal to the Service and should be credited for this. Members recognised that there was one hybrid model presented in the report that had the benefit of providing some staff retention. The DCFO responded to queries regarding the staffing levels at Surrey by confirming that this had been identified during their HMICFRS inspection and they had already begun to respond to the findings, including a current recruitment process. A TUPE process would also be carried out, should it be agreed to partner with them.

- 5.10 Members had strong concerns regarding the financial risk that could be faced if sharing provision with County Authorities. They were aware of pressures on both Fire Services, however, some Members recognised there were substantial advantages to a partnership with Surrey. It was requested that a mechanism must be put in place to ensure robust, secure ring-fencing and safeguarding of funds in order to ensure there was no impact on control centre provision from outside pressures at either County Authority. The Section 16 Agreement would be the mechanism through which Governance arrangements would be agreed and ESFRS would have the chance to influence and contribute to the creation of robust governance arrangements and ways of working.
- 5.11 Members discussed whether there were further reasons for progressing two options rather than settling on one at this meeting. It was suggested that the preferred option would be Surrey Outsource, but there was some desire to keep the NW Hybrid option open. The Authority were reminded that Project 21 had already been a 12 month process, including long-listing of potential options, refining and short-listing. In line with time limitations and the option requirements set out before the process started there were no other options that could have been tabled for Members.
- 5.12 Members asked for clarity on the operational benefits referred to and whether, if a different option were chosen, these would be possible by other means. The DCFO referred Members to the details of the operational assessment shown in the report. The National Framework for England on fire and rescue services described expectations of intraoperability and interoperability across emergency services. Fire and rescue services were expected to work with each other to deliver the intraoperability element, including compatible communications systems, control rooms and equipment and cross border working. The view of officers was that it was easier and more effective to deliver this through a local control room rather than one located in a different part of the UK. This was one reason the majority of control room collaborations and partnerships were based on defined and logical, coterminous geographical groupings. Operational benefits that might be achieved included truly borderless mobilising for two adjacent counties, convergence of operational procedures including standardisation of Predetermined Attendances (PDAs – the number and type of resources mobilised to certain incidents on the initial call) and making a local incident control room available for large scale and major incidents, there would also be increased tie-in with the local Resilience Forums for Sussex and Surrey and their arrangements.
- 5.13 The impacts a pause in the process might have were reiterated, financially impacts were presented in the report. Whilst it might be contractually possible it would pose the service with a technical risk. The assessed additional cost of an extension would be £500k per annum, with the additional requirement to maintain project resources at a minimum cost of c. £100k, but likely greater. It was already proving challenging to manage operationally with the current SCC, including maintaining cover which presented its own operational risk. Members were informed that the equipment at SCC had been purchased in 2013 with maintenance agreements in place and there had been some prudent investment to make improvements to ensure the system would continue to function. If a delay were agreed an assessment would have to be undertaken to evaluate the fitness for purpose of the servers and other equipment at SCC.

- 5.14 The Authority discussed the complexity of the papers and admitted to being surprised at the preferred option, as it did not appear to be the number one suggestion from the due diligence process. They accepted that operational benefits were stacked against some serious financial and technical issues. These were not easy issues to resolve and there was some concern regarding the capacity of Surrey to be able to on-board West and then East.
- 5.15 Some Members were keen to be clear that this was not a political issue and there were cross party concerns that they did not perceive that all the options had been fully tested and not enough information had been provided. There was a lack of confidence in both authorities and concerns that Surrey and West Sussex might begin to lean financially on ESFA. Members were reminded of the earlier discussion regarding the Section 16 Agreement and were reassured that these matters would be covered fully within this. The SLT was able to support the Surrey option because of the significant operational benefit that it would bring to ESFRS. The capacity of Surrey had been covered in the report where it was explained that they would not be able to on-board until the New Year but had committed their own costs to provide resources in order to do so. The resources of ESFRS had been fully costed and were included in the report. The DCFO confirmed that he did not disagree with the evaluation of the timeline made by Members and accepted there was a possibility that the deadline of March 2021 may be missed and that the process was not risk free.
- 5.16 Members reiterated concerns regarding SCC staff and wanted clarity on the TUPE process and what support was being provided. TUPE regulations were clear on what terms and conditions were protected, and that under these regulations the travelling distance to the proposed new location was deemed reasonable. The Authority accepted that this process was difficult for all involved but wanted further reassurance regarding the level of staff consultation. The ACFO explained that the technical team included the most experienced staff at SCC, they were control operators with a full understanding of control room operation and requirements. The impact on staff of all the options was recognised and time had been spent with them discussing the potential impact of the decisions to be made. Their involvement was critical to the process and SCC managers had been crucial in sharing information with their teams. Additional communications had included FAQs and letters ensuring that the SCC staff, where possible, were always the first to be informed of any new or relevant information.
- 5.17 There were questions regarding the cost of the project. The Authority was informed that this would not all be additional money. The existing cost of the control centre was circa £1m annually. The report set out the full costings on, including £5.1m of transitional costs such as those for on-boarding, project management, and technology including Mobile Data Terminals (MDTs), station end equipment and pagers.

5.18 Members proposed that no decision be taken at the meeting, but that a motion be considered that a meeting be held with Members and Officers to discuss the options further. Members stated that despite having discussed the project at length they still felt unprepared for the decision that they had to take. The CFO confirmed that Officers would take whatever direction given by Members, but reminded the Authority that it would still not be an easy decision and the implications would remain the same. The CFO informed the Meeting that she was troubled by the suggestion that Members felt they did not have enough information or had not been given enough opportunities to discuss the project. Members were reminded that reports on the project had been made to both Scrutiny & Audit and Policy & Resources Panels, Fire Authority meetings, Members Seminars and a large amount of other correspondence. The Authority was also reminded that it had made the decision on the shortlist of which four options should be considered by Mott MacDonald.

5.19 There were motions proposed and voted on as follows, the earlier proposals made by Cllr Lambert and Cllr Scott were withdrawn:

Motion for a deferral of the decision on this project being taken until a meeting of Members and Senior Officers can be held to discuss the options in a full and frank way ahead of asking officers to undertake further work – proposed by Cllr Osborne, seconded by Cllr Lambert

Votes: For – 8 Against – 9

5.20 Motion that the Authority would like to explore further the hybrid option of a local control room with NWFS Technology and also the Tri-Service Surrey Outsource model with a preference for the latter if satisfied with the governance, and financial and operational scrutiny of that option – proposed by Cllr Barnes, seconded by Cllr Fox

Votes: For – 2 Against – 7

5.21 Motion that the existing recommendations i), ii) and iv) remain as set out in the report with recommendation iii) being amended to state that the Authority agree to take forward the preferred option but with a direction to officers to return to the December meeting of the Fire Authority to provide further information on the operational benefits and governance arrangements of this option. Also to direct officers to provide the Authority with further detail on a standalone control option – proposed by Cllr Galley, seconded by Cllr Fox

Votes: For – 6 Against – 8

5.22 Motion to direct Officers to provide specific information about a stand-alone control option. Also to provide specific information about the recommended option to specifically outline the operational benefits and governance arrangements that would be in place, to be presented to the December meeting – proposed by Cllr Boorman, seconded by Cllr Lambert

Votes: For – 13 Against – 1

- 5.23 This final motion was carried and replaced in full the original recommendations included in the report. The Authority agreed to direct Officers to provide specific information about a stand-alone control option; and to also direct Officers to provide specific information about the recommended option to specifically outline the operational benefits and governance arrangements that would be in place. To be completed by the end of November 2019 and presented to the December meeting of the Fire Authority.

COUNCILLOR ROY GALLEY
CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY
25 October 2019