

## **EAST SUSSEX FIRE AUTHORITY**

**Report of a meeting of the East Sussex Fire Authority held at Fire Brigade Headquarters at 10.30 hours on Thursday 18 September 2003.**

**Members present: Councillors Burgess, Carden, Dyason, Gadd, Hawkes, Mrs Healy, Kemble, Mrs Leigh, Livings, Murphy (Chairman), Neighbour, Paskins, Reid, Scott, Skilton, Stevens and G Theobald.**

### **1. WHITE PAPER ‘OUR FIRE SERVICE AND RESCUE SERVICE’**

1.1 The Fire Authority approved a report of the Urgency Panel and related report and consultation response on the Government’s White Paper on the future of the Fire Service entitled ‘Our Fire and Rescue Service’ published by the Office of the Deputy Prime Minister (ODPM) on 30 June 2003.

1.2 The Fire Authority noted that the White Paper sets out the Government vision for a public sector fire and rescue service that:

- is proactive in preventing fires and other risks, rather than simply reacting to fires;
- acts in support of the Government’s wider agenda of social inclusion, neighborhood renewal and crime reduction;
- has effective institutions that support its role and purpose;
- is well-managed and effective; and
- is committed to developing and adapting to changing circumstances, including the growing threat of terrorism.

1.3 The White Paper has six main themes:

- Fire Prevention.
- Human Resource Management.
- Reform of pay negotiations.
- Regionalisation.
- Institutional changes.
- Improved scrutiny and inspection.

1.4 The reforms proposed fall into two broad categories:

- those reforms that require changes to primary legislation; and
- other changes.

1.5 The Government has stated it will progress a ‘twin track’ approach and will introduce, as soon as parliamentary time permits, a new Bill to establish the legal framework.

1.6 With regard to the regionalisation agenda, the Government proposes to establish Regional Management Boards where there are no elected regional assemblies. Fire Authorities are expected to have established arrangements for Regional Management Boards before 1 April 2004. These will initially be voluntary, but the Government will use its powers to establish regional combined Fire Authorities if the voluntary framework does not deliver modernisation quickly. The Government will strengthen its powers to do this in forthcoming legislation and the Secretary of State will be able to nominate some of the Members of regional Combined Fire Authorities.

- 1.7 The White Paper states that Regional Management Boards are to be responsible for:
- Resilience;
  - Procurement;
  - Training strategies and delivery;
  - Control Rooms;
  - Personnel and Human Resource management functions;
  - Other specialist roles e.g. Fire Investigation.
- 1.8 The White Paper also states that at a local level, the public will see little difference in the fire service. There will, however, be changes to the firefighters' role to reflect the change from intervention to proactive prevention. The major service delivery impact to the Authority will be the proposal for regional or sub-regional fire controls.
- 1.9 Whilst the reforms, as proposed within the White Paper, will have an impact on the finances of the Brigade, such as the regional issues, Integrated Risk Management Plans (IRMP) and Integrated Personal Development System (IPDS), there are no plans within the White Paper to change the funding arrangements for Fire Authorities.
- 1.10 The White Paper is to be welcomed as a means of moving the Fire Service forward into the 21<sup>st</sup> Century. The proposals contained in the White Paper will have a fundamental impact on the way that the Authority, and its Brigade, is managed in the future. However, the overall expectation is that the changes will result in real improvements by reducing the number of lives lost through fires.
- 1.11 In considering the implications of the White Paper, the Fire Authority has approved a change of name of East Sussex Fire Brigade to that of 'The East Sussex Fire and Rescue Service', which together with the implications of the proposed changes arising from the Civil Contingencies Bill, will more adequately reflect the current and future roles for both the Authority and its Brigade.
- 1.12 With regard to the requirement to establish regional management boards, the Fire Authority noted that there is already a forum established of the nine Fire Authorities in the South East. This forum has agreed to change its name to the South East Fire and Rescue Forum. Six officers of the Forum have been tasked with looking at the six issues highlighted at 1.7 above, but the Forum currently has no legal standing, delegated authority nor budget. A joint board could be set up under Section 102 of the Local Government Act but this would require political and numerical balance.
- 1.13 The Fire Authority expressed its concern that a large South East Regional Management Board would remove local knowledge and democratic accountability. The Authority agreed that it would be appropriate for the Chairman to seek a preliminary meeting with the Chairman of West Sussex County Council to discuss the potential regional implications of the White Paper and the extent to which both organisations could work together to achieve mutual objectives. Meanwhile, it was also agreed that the Authority should continue to concentrate on maintaining and further developing its partnership working activities with other local authorities and community organisations.
- 1.14 The Fire Authority noted the consultation response which commented on all the issues set out in the White Paper, and generally welcomed the vision for a public sector fire and rescue service proposed in the White Paper, (which is in line with the strategic aims and objectives of the Fire Authority where the emphasis has changed to prevention rather than intervention, working in partnership with other agencies).

## 2. DRAFT CIVIL CONTINGENCIES BILL

- 2.1 The Fire Authority approved a report of the Urgency Panel and related report and consultation response on the draft Civil Contingencies Bill published on 19 June 2003, together with the relevant consultation document, and regulatory impact assessment.
- 2.2 The Authority noted that the Bill offers, for the first time, a definition of ‘emergency’ in this context as an event or situation, which presents a serious threat to human welfare, the environment, political administrative or economic stability, or national security. The Bill follows on from the Emergency Planning review undertaken in 2001, and is also designed to give a statutory framework to the Government’s response to the risk of terrorist incidents, in part through enhancing local arrangements for civil protection. It is also intended to replace the Emergency Powers Act 1920, the Civil Defence Act 1948 and the Civil Protection in Peacetime Act 1986. Regulations will be used to clarify what constitutes an emergency. They will also be used to establish the requirement to prepare and maintain plans.
- 2.3 The new framework is built around four key themes: risk management, emergency planning, business continuity, and warning and informing the public. The Bill also formalises the relationship between core responders and key co-operating bodies, and promotes the establishment of arrangements for better communication, co-operation and information sharing.
- 2.4 The Bill will deliver a variable duty on responders, depending on what category they fall in. There are two categories of responders. It is proposed that Category 1 responders will be given a broad range of civil protection duties, with Category 2 responders being required in regulations to co-operate with multi-agency planning and share information. Fire Authorities will fall within the Category 1 responders.
- 2.5 The Bill allows for the setting up of a new framework to reinforce partnership working and inter-agency co-operation at the local level by the creation of Local Resilience Forums. These will bring together core and co-operating responders during the risk assessment and planning phases and help develop cross agency policies. These forums will be established on the basis of police force areas.
- 2.6 The Government is establishing a new regional civil protection tier, drawing together activity already organised on a regional basis and providing a strong bridge between the centre and local areas. Regional Resilience Teams are already in place in Government Offices, and Regional Resilience Forums have been formed to bring together the key players. This activity is non-statutory and is not addressed by the Civil Contingencies Bill. The Bill will, however, enhance this further, providing for the role of Regional Nominated Co-ordinator.
- 2.7 With regard to the implementation of Emergency Powers, the Bill will allow for the declaration of an emergency on a regional basis. The Authority noted that, at the present time, the Brigade has no statutory duty for emergency planning. With regard to dealing with CBRN incidents, an officer of the Brigade is currently funded by central Government on a temporary basis to deal with this specific issue.
- 2.8 The Authority noted that if implemented, the Bill will result in a new statutory duty placed upon the Authority and, as a consequence, there may well be many service delivery issues that will have to be considered in partnership with the other agencies involved. The Bill states that, in most cases, organisations are already carrying out this work, but not on a statutory footing. For this Authority, this will be a new statutory responsibility, unlike a number of Brigades particularly those that are still part of County Councils.

- 2.9 There are no plans within the Bill to increase funding to Fire Authorities. However, there are plans within the Bill to make some changes to the funding arrangements to Local Authorities. There will be two main areas of potential financial impact for the Authority arising from the statutory obligations under the Bill:
- The new duty for risk management, emergency planning, business continuity, and warning and informing the public, will present an increase in workload and may require additional staff.
  - The findings of the risk management e.g. flooding may require the purchase of additional/differently specified equipment and, as a consequence, training issues may also be identified. Also the ability for business continuity during an emergency, such as a fuel crisis, may also require additional resources.
- 2.10 No new funding has been identified for Fire Authorities and a further review of the Bellwin Scheme would also seem to be advantageous in the light of the implications of the Bill.
- 2.11 The Civil Contingencies Bill is seen in the recent White Paper 'Our Fire and Rescue Service' as the vehicle for delivering the clarification in the role of the service, and the statutory basis for the full range of emergencies, thus supporting the substance of the White Paper.
- 2.12 The Fire Authority has welcomed its inclusion as a core responder, but is concerned that no additional funding for Fire Authorities has been identified. A response has been sent to the Joint Committee on the Draft Civil Contingencies Bill.

### 3. **DRAFT SCHEME FOR MEMBERS ALLOWANCES**

- 3.1 The ODPM has recently issued the Local Authorities (Members' Allowances) (England) Regulations 2003 that make provision for Combined Fire Authorities (CFAs) to establish Member Allowance Schemes with effect from 1 May 2003. Further Regulations came into force on 31 July 2003, which extend the deadline by which new schemes must be in place from 30 September to 31 December 2003. Until these Regulations were issued, CFAs were unable to establish Members' Allowance schemes, so that all CFA Members were only entitled to allowances approved by their respective constituent authorities. Member travel and subsistence reimbursements were also claimed from constituent authorities, which then reclaimed the total costs from CFAs at year-end.
- 3.2 In approving the Scheme, to be backdated to 1 May 2003, the Fire Authority noted that it is broadly based upon local schemes that already exist, although with different levels of allowances to be paid. The Fire Authority also took into consideration the fact that on the basis of information available to date, there appeared to be no similarity emerging on CFA Member Allowance levels, and so it would be appropriate to keep the matter under review both in a national CFA context, whilst also trying to minimise anomalies that may emerge between the CFA and the approved schemes for both East Sussex County Council and Brighton & Hove City Council. As required by the Regulations, Members also had regard to the current recommendations of the Independent Review Panels for the two constituent authorities in relation to their respective Member Allowance Schemes.

4. **FIRE AUTHORITY PERFORMANCE INDICATORS – 2002/03 YEAR END RESULTS**

4.1 The Fire Authority has considered a summary of performance indicator results for 2002/03 compared with those of previous years and a summary of progress achieved in relation to the Service Plan priorities agreed for 2002/03.

4.2 The Fire Authority noted that by reference to the key Best Value Performance Indicators, the Brigade generally continues to perform well although there are areas, particularly in our operational performance, where improvement is needed. Areas where we are performing better than top 25% of brigades (upper quartile level) and bottom 25% of brigades (lower quartile level) were highlighted within the document. A summary of the performance outcomes is set out below:

**Summary of our performance outcomes for 2002/03**

In overall terms, our performance for 2002/03 can be summarised as follows:

	Best Value Performance Indicators			Brigade Performance Indicators		
	✓	No change	X	✓	No change	X
Performance improved from 2001/02	15	3	4	3		5
Our trend	19		3	3		5
Local Target for 2002/03 achieved	6		16	3		5
Better than the family average	10		12			

**Summary of our aims in improving performance in 2003/04**

In overall terms, our intention to improve our performance in 2003/04 can be summarised as follows:

	Best Value Performance Indicators		
	✓	No change	X
Intended level of performance to be achieved compared with previous year (2002/03)	20	1	1
Local Target for 2003/04 compared with previous year (2002/03)	6	10	6
Relative to family average	15		7
Relative to top 25% Brigades	16		6

4.4 The Fire Authority has noted the indicator results for 2002/03, the outcomes of which will be considered as part of the Brigade’s performance monitoring activities for 2003/04 as well as the service planning processes for 2004/05.

5. **PROGRESS REVIEW OF FIRE SAFETY EDUCATION PROGRAMME IN SCHOOLS 2002/03**

5.1 The Fire Authority congratulated community fire safety staff on the successful outcome of a report on the progress review of fire safety education programme in schools for 2002/03. The Brigade had sent evaluation forms to 79 Infant and Junior schools that the Community Fire Safety Section has visited between the beginning of Autumn Term 2002 and the end of the academic year in July 2003. 49 schools returned the questionnaires.

5.2 The Fire Authority noted that the survey is qualitative and not quantitative, however, it was clear from the comments and the letters of appreciation received that the input was of a high quality.

6. **THE REGULATORY REFORM (FIRE SAFETY) ORDER 2003**

- 6.1 The Fire Authority noted a report on the Regulatory Reform (Fire Safety) Order 2003 which identified that currently, the Fire Authority is responsible for the enforcement of two pieces of primary fire safety legislation - the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997. It is also a statutory consultee under the fire safety provisions of approximately sixty assorted pieces of further legislation.
- 6.2 The Government is planning to use the Regulatory Reform Act 2001 to tidy up and amend the current proliferation of fire safety acts and provisions by the introduction of The Regulatory Reform (Fire Safety) Order 2003. The intention of the reform of fire safety is to remove legislative overlap and bring fire safety law under the umbrella of one piece of legislation, the Regulatory Reform (Fire Safety) Order, which will be enforced, in the main, by Fire Authorities.
- 6.3 The proposed Order would replace both the Fire Precautions Act and the Fire Precautions (Workplace) Regulations and as much of the remaining legislation as is practical. This means that occupiers of premises designated under the Fire Precautions Act will no longer need to apply for a fire certificate. The proposed Order would also create a new duty on Fire Authorities to promote Community Fire Safety.
- 6.4 This Order, like previous fire safety legislation, extends protection to persons; there are no duties imposed to protect buildings. The protection to persons now includes all persons who may be on the premises and also those in the vicinity who may be affected by fire, including firefighters. The definition of the person responsible for the premises is more clearly defined than in previous legislation and following current trends imports the concept of risk assessment from the Fire Precautions (Workplace) Regulations.
- 6.5 The powers of inspectors, taken from the Fire Precautions Act, are enlarged to include requiring the production of any books and documents and the taking of copies of entries and samples. The powers of enforcement are taken from the Workplace Regulations rather than the prohibition and restriction powers contained in the Fire Precautions Act and may be considered to derogate somewhat from effective enforcement.
- 6.6 It is expected that the Regulatory Reform (Fire Safety) Order 2003 will be placed before Parliament during October this year and come into force in late summer 2004.

**Councillor Mike Murphy**  
**CHAIRMAN OF THE FIRE AUTHORITY**

19 September 2003