

**Highland and Islands Fire Board
No. 2009/2010**

A meeting of **The Highland and Islands Fire Board** will take place in the **Council Chamber, Highland Council Headquarters, Glenurquhart Road, Inverness**, on **Friday 27 November 2009** at 1.30 p.m.

Present

Representing the Highland Council:

Mr R Durham
Mr W Mackay (Substitute)
Mrs I Campbell
Dr A Sinclair
Mr E Hunter
Mrs H Carmichael
Mrs P Munro

Mr D Henderson
Miss J Campbell (Substitute)
Mr R Balfour
Mr J Ford
Mr R Pedersen (Substitute)
Mr D Fallows

Representing Comhairle nan Eilean Siar:

Mr N Macleod
Mr C Nicolson

Mr M MacLeod (Substitute)

Representing Orkney Islands Council:

Mr A Drever

Representing Shetland Islands Council:

Mr A Cooper

Mr A Duncan

Officials in attendance:

Mr B Murray, Chief Fire Officer
Mr T Johnson, Temporary Assistant Chief Fire Officer
Mr D Gill, Area Manager (Head of Operations Support)
Mr M Jenks, Finance Manager, Highlands and Islands Fire and Rescue Service (HIFRS)
Mrs M Fisk, Head of People Services, HIFRS
Mr A MacLeod, Property Manager, HIFRS
Ms D Sutherland, Administration Manager, HIFRS
Mr D Robertson, Treasurer's Office
Mr J Kelman, Project Manager, Housing and Property Service, The Highland Council
Ms M Morris, Clerk
Mrs R Moir, Assistant Clerk
Ms L Lee, Clerk's Office

Mr R Durham in the Chair

1. Apologies for Absence

Apologies for absence were intimated on behalf of Ms L Munro, Mr D Mackay, Mr D Flear, Mrs M Smith, Mrs M Paterson and Mr J Gray, The Highland Council; Mr P Carlin and Mr I Mackenzie, Comhairle nan Eilean Siar; and Mr R Leslie, Orkney Islands Council.

2. Long Service and Retirement Presentations

The Chief Fire Officer presented the following Highlands and Islands Fire and Rescue Service District Administration Staff with a 20 years Service award: Ms Anne Oag, Ms Christine Morrison, Ms Hilda Linklater. The Board commended the staff and thanked them for their long service.

The Chief Fire Officer also made a presentation to Mr Murray MacKay, the former Head of Engineering and Supplies, to mark his retirement, thanking him for his skills and leadership and the role he had taken in modernising and improving the service and the safety of Fire Fighters through improved vehicles and equipment.

This being the Chief Fire Officer's last meeting before his retiral early in the New Year, the Convener presented Mr Murray with a gift and, on behalf of the Board, thanked him for his work over the previous 11 years. The Vice Convener also presented Mr Murray with a gift on behalf of Orkney Islands Council. Mr Murray thanked the Board and Orkney Islands Council for the gifts and expressed appreciation of Members' support over the years. He also praised the spirit of Highlands and Islands communities.

The Board **NOTED** the presentations and that Mr Alex MacAllister, the Service's Head of Corporate Services had also recently retired but had been unable to attend the meeting due to personal commitments.

3. Minutes of Meeting of 10 September 2009

The Minutes of Meeting of 10 September 2009 were found to be correct and were **APPROVED**.

Arising from the Minutes, the Board **NOTED** that the Orkney Community Planning Partnership (OCCP) had agreed to invite this Board and the Northern Joint Police Board jointly to nominate one Member to sit on the OCCP Steering Group, and **AGREED** to nominate Mr A Drever to the position, with Mr R Leslie as substitute, as required.

4. Minutes of Audit Working Group – 30 October 2009

There had been circulated Minutes of Meeting of the Audit Working Group held on 30 October 2009, together with, for information, Report No. Aud10/09 dated October 2009 by the Senior Audit Manager for Audit Scotland, comprising her finalised Report to Members and Controller of Audit summarising Audit Scotland's findings from their 2008/09 audit of the Highland and Islands Fire Board, the draft Report having previously been considered by the Working Group.

The Board **APPROVED** the Minutes of Meeting of the Working Group.

5. Minutes of Integrated Risk Management Planning Working Group 6 November 2009

There had been circulated Minutes of Meeting of the Integrated Risk Management Planning (IRMP) Working Group held on 6 November 2009, together with Report No. IRMP6/09 dated 28 October 2009 by the Chief Fire Officer setting out the IRMP Risk Review Stage IIa Sustainability Report, previously considered by the Working Group at that meeting.

The Board was advised that the Convener and the Temporary Assistant Chief Fire Officer had visited the six Units with the most pressing sustainability needs, and had also met with the communities. There had been a positive response and a number of new applications were currently being processed.

The Board **NOTED** that Mr Fallows' name should be removed from the list of apologies at Item 1, and otherwise **APPROVED** the Minutes and thus the recommendations of the Working Group, including that, following the introduction of the Fire (Scotland) Act 2005 which had extended the scope of Fire Services' activities, and in order to further progress IRMP work, the Group had agreed that a report would be brought to a future meeting of the Working Group proposing extensions to the current IRMP Framework, which had originally been agreed by the Board in 2005.

The Board also **AGREED** that the twelve month period to be allocated to the Foula unit in which to recruit sufficient members and demonstrate that they could provide a safe and effective response, as agreed at the Board's meeting on 10 September 2009, be deemed to run from the date of the Convener's visit to the island on 18 November 2009.

6. Revenue Expenditure 2009/10 – Monitoring Statement

There had been circulated Report No. Fire 38/09 dated 13 November 2009 by the Chief Fire Officer setting out the current position of the Revenue Monitoring Statement for the period to 31 October 2009.

The report indicated that the projected year-end position indicated an overall underspend of £430,000, of which £282, 000 was due to pension transfers and £100,000 to lower than anticipated capital charges. Operational expenditure was estimated to come in £47,000 below budget.

The Board **NOTED** the report and **AGREED** that any revenue underspend be used (a) to top-up the revenue reserve and (b) to finance capital projects through CFCR (Capital Funded from Current Revenue).

7. Revenue Budget 2010/11 Minutes of Policy and Finance Working Group - 6 November 2009

There had been circulated Minutes of Meeting of the Policy and Finance Working Group held on 6 November 2009, together with Report No. PFWG3/09 dated 30 October 2009 by the Chief Fire Officer on the draft Revenue Budget for 2010/11, previously considered by the Working Group at that meeting.

The Convener reported that, as in the previous year, informal discussions had been held with the Constituent Authorities with regard to budget setting, and that these had proved useful.

The Chief Fire Officer advised that liability for the majority of pension payments now rested with the Scottish Government and that pension funding was therefore no longer included within the requisitions. Whilst the Service wished to continually improve its vehicles, stations and community safety, the budget pressures facing the Constituent Authorities had been recognised, and requisitions had been set at a standstill, representing a reduction of 1.4% (£308,000) in real terms. Drives towards further efficiencies continued.

Given the uncertain economic times, it was difficult to predict budgets for future years, but a standstill position had been assumed meantime. It was hoped that this would nonetheless allow momentum to be maintained.

The Board **APPROVED** the recommendations of the Working Group and thus **AGREED**:

- i. the Revenue Budget 2010/11, as detailed; and
- ii. that an approach be made to each Constituent Authority seeking an annual opportunity for the Service to make a short presentation to each full Council.

The Board also **NOTED** that the Draft Strategic Objectives for 2010/2013 would be further refined and reflected in the draft Service Plan 2010/11 to be submitted to the January 2010 Board meeting.

8. Capital Expenditure Monitoring Report 2009/10

There had been circulated Report No Fire 39/09 dated 13 November 2009 by the Chief Fire Officer showing the expenditure and income relating to the Board's capital programme for the period to 31 October 2009, together with statement by the Treasurer.

The report indicated that the projected year-end position indicated an underspend of £98,000, largely due to savings in the build costs at Rousay and Helmsdale.

The Board **NOTED** the report.

9. Capital Budget – Top Slice Bid 2010/11

There had been circulated Report No. Fire 40/09 dated 16 November 2009 by the Chief Fire Officer recommending the bid for capital top slice funding for 2010/11 totalling £1.1m for appliance garages at Whalsay and Scalloway.

In response to questions raised, Members were advised that the bid would be considered by the forthcoming Fire Conveners' Forum and then by COSLA, with the Scottish Government determining the outcome thereafter. It was hoped that a decision would be made in early course to maximise time for the build process. Whilst the bid had had to be drawn up on the basis of existing figures, a value

engineering exercise was currently being undertaken, which might lead to reduced costs in future. It was recognised that one size would not fit all, and future builds would be informed through the IRMP data and geared closely to the level of need in communities.

The Chief Fire Officer having undertaken to update the photographs accompanying the report in line with Member suggestions, the Board **APPROVED** the bid.

10. Revenue Reserves Strategy

There had been circulated Report No. Fire 41/09 dated 13 November 2009 by the Chief Fire Officer recommending a draft Revenue Reserves Strategy. The report proposed that a sum equivalent to 3% of the funding received from the Constituent Authorities be maintained for contingency purposes, with a further 2% retained in order to allow the Service to act upon any unexpected opportunities, such as land or buildings purchase.

The Board **APPROVED** the strategy as set out in the report.

11. Performance Reporting

There had been circulated for noting Report No. Fire42/09 dated 18 November 2009 by the Chief Fire Officer informing Members of incidents of note, as well as providing an update on performance.

In speaking to the report, the Chief Fire Officer informed Members of a recent fire fatality in Orkney. This was the first fatality in the current year, compared with 9 fatalities in 2008. The Chief Fire Officer was of the view that the increased emphasis on community safety was delivering positive results.

The Board **NOTED** the information given, and, having been informed of a recent fire at Beauly, **AGREED** to recommend that Ms N Hercher be considered for a Chief Fire Officer's commendation for the action she had taken.

12. Fire Conveners' Forum Update

There had been circulated Report No. Fire 43/09 dated 13 November 2009 by the Clerk introducing a briefing note on recent discussions at the Scottish Fire Conveners Forum held in Inverness on 23 October 2009.

There had also been circulated for information and comment copy response submitted to the Justice Committee of the Scottish Parliament by the Chief Fire Officers' Association, supported by the Scottish Fire Conveners' Forum.

The Convener reported that the interface between COSLA and the Joint Boards had been more fully explored between the respective parties and a fuller understanding was emerging. It was anticipated that this would lead to practical working relationships within the spirit of the Concordat that also recognised the terms of the legislation under which the Boards had been established.

The Board **NOTED** the report and the information given.

13. Pensions – Discretionary Policies

There had been circulated Report No Fire44/09 dated 2 November 2009 by the Treasurer on changes in the Highland Council Pension Fund's policy on Pension Transfers under the discretions contained in the Local Government (Scotland) Pension Scheme 2008.

The Board **NOTED** that the Highland Council Pension Fund would no longer accept "transfers in" from Personal Pension schemes, other than in exceptional circumstances; and **AGREED** in relation to its employees to restrict the period for accepting the initiation of a "transfer in" from Other Occupational Pension Schemes to 12 months from entry to the Local Government Pension Scheme, other than in exceptional circumstances.

14. Equality Schemes

Members were advised that the Disability Discrimination Act 2005, which had come into effect in 2006, required public bodies subject to the Disability Equality Duty to publish an annual report on progress towards meeting the Disability Equality Duty and to review their Disability Equality Schemes after 3 years. The review obligation could be met by early adoption of a Single Equality Scheme, covering all the statutory equalities strands, which would in any case become a requirement under the pending Single Equality Act.

There had been circulated and was **NOTED** Report No Fire45/09 dated 13 November 2009 by the Chief Fire Officer presenting, (a) an updated Disability Equality Scheme for the Fire Service, outlining the actions the Service would undertake in 2009-2012 in order to meet legislative requirements (Appendix 1), and (b) the Service's annual report setting out how the Service had fulfilled its action plan for the year 2008-2009 (Appendix 2).

As work on the Board's Single Equality Scheme 2009-2012 and Disability Equality Scheme Annual Report 2009 had not yet been completed, Members **AGREED** to delegate powers to the Clerk to finalise and publish Board's Single Equality Scheme 2009-2012 and Disability Equality Scheme Annual Report 2009 by the due date of 4 December 2009, in consultation with the Convener, Vice Convener and the Board's Equality and Diversity Champions, Mr J H Ford and Mrs H Carmichael.

15. Member Development

There had been circulated and was **NOTED** Report No Fire46/09 dated 19 November 2009 by the Clerk updating the Board on progress in putting in place a Member Development Programme for Members of the Board and advising Members that:

- i. a Training Needs Analysis would be conducted in January 2010; and
- ii. the proposed Member Development Programme would be reported to the Board in April 2010.

16. Estate Management

There had been circulated Report No. Fire47/09 dated 18 November 2009 by the Chief Fire Officer on a number of Estate Management issues. In speaking to the report, the Estates Manager explained the benefits, including access to funding, which might result from Membership of the North Territory Hub, and suggested that the Board might find it useful for a presentation to be given to a future meeting by representatives from the Hub.

The Board **NOTED**:

- i. the various updates in the report, including progress with the Value Engineering project on Single Appliance Station design and construction; also that a preliminary expression of interest had been received regarding the Board's property on Harbour Road – this would be explored without commitment;
- ii. that a report would be brought to a future Board on accommodation issues at various locations, including Fire HQ; and
- iii. that Highland Council was to look at rationalising its property portfolio in Dingwall and Inverness, and that the Property Manager would investigate whether shared development opportunities might arise from this.

The Board **APPROVED**:

- i. engagement with the North Territory Hub to explore opportunities for future participation in full partnership or membership;
- ii. the proposals relating to additional requirements at Rousay;
- iii. further investigation to develop the acquisition option for early development at Sandwick; and
- iv. the new agency arrangement for procuring electricity.

16A Estate Management

The Board **AGREED** that under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for this item on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

There had been circulated to Members only Report No. Fire47A/09 dated 26 November 2009 by the Chief Fire Officer supplementing Report No Fire 47/09 by providing an update on negotiations relating to the site at Rousay.

The Board **AGREED** to conclude purchase of the additional area of land required at Rousay under the terms outlined at Option A of the report.

17. Capital Programme Monitoring Report

There had been circulated Report No. Fire48/09 dated 19 November 2009 by the Director of Housing and Property of the Highland Council summarising the status of all current key projects carried out for the Board.

The Estates Manager advised that, in relation to purchase of new sites, resources were being focussed on the sites that the Board had contracted to deliver and good progress was being made on these. Acquisition of less urgent sites would be progressed in due course.

The Board **NOTED** the report and the information given.

18. Presentation on the New Highlands and Islands Fire and Rescue Service Website

The Board **AGREED** to **DEFER** a presentation on the new Highlands and Islands Fire and Rescue Service Website to the following Board meeting.

19. Schedule of Meetings 2010

There had been circulated Report No. Fire49/09 dated 4 November 2009 by the Clerk recommending a schedule of meetings for 2010.

The Board **APPROVED** the proposed dates of 23 April 2010 (in Inverness) and 7 September 2010 (in Stornoway) and **AGREED** to defer decision on a November 2010 date to permit further consideration of the relative scheduling of this meeting in relation to that of the Northern Joint Police Board.

20. Execution of Deeds

Members **NOTED** the deed recently executed on behalf of the Board as set out in the agenda for the meeting.

21. Exclusion of the Public

The Board **RESOLVED** that, under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for the following items on the grounds that they involved the likely disclosure of exempt information as defined in of Part 1 of Schedule 7A of the Act, the relevant paragraphs being shown.

22. Post of Chief Fire Officer

Paragraph 1

There had been circulated to Members only Report No Fire50/09 dated 23 November 2009 by the Clerk which provided Members with an update on the appointment process for a new Chief Fire Officer, together with Minutes of Meetings of the Chief Officer Appointments Sub-Committee held on 22 October, 16 November and 20 November 2009.

The Board **NOTED** the terms of the report and the appointment of an interim Chief Fire Officer for a period of up to twelve months and **AGREED** that a further report be brought to the Board on the proposed schedule for filling this post on a permanent basis.

23. Discipline and Grievance

Paragraphs 1 and 11

The Board **NOTED** the discipline and grievance occurrences within Highlands and Islands in the last two years and **AGREED** that the Clerk assess the reasonableness of the procedures applied to two current discipline/grievance cases and provide advice to the Chief Fire Officer, as appropriate.

The meeting ended at 4.20 p.m.