

**Highland and Islands Fire Board
No. 4 2008/2009**

Minutes of Meeting of the Highland and Islands Fire Board held in Council Headquarters, Glenurquhart Road, Inverness, on Friday, 23 January 2009 at 1.30 p.m.

Present

Representing the Highland Council:

Mr R Durham	Mr D Henderson
Mr D Mackay	Mr J Gray
Mrs I Campbell	Mr R Balfour
Dr A Sinclair	Mr J Ford
Ms M Smith	Mr D Fallows
Mr E Hunter	Ms G Sinclair (Substitute)
Mrs H Carmichael	Mr B Barclay (Substitute)

Representing Comhairle nan Eilean Siar:

Mr N M Macleod	Mr P Carlin
Mr C Nicolson	Mr I MacKenzie

Representing Orkney Islands Council:

Mr A Drever	Mr B Leslie
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Representing Shetland Islands Council:

Mr A Duncan	Mr A Cooper
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Officials in attendance:

Mr B Murray, Chief Fire Officer
Mr T Wood, Deputy Chief Fire Officer
Mr J Donaldson, Area Manager, Operations Support
Mr T Johnston, Area Manager, Community Risk Management
Mr A MacAllister, Head of Corporate Services, Highlands and Islands Fire and Rescue Service (HIFRS)
Mrs M Fisk, HIFRS Head of Human Resources
Mr M Allen, HIFRS Administration Assistant
Mrs M Grigor, Treasurer's Office
Mr G Westwater, Head of Construction, Housing and Property Service, The Highland Council
Mr C MacCallum, Payroll and Pensions Manager, 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 Mr D Flear, Mrs M Paterson and Mr G Rimmel, the Highland Council.

2. New Year Honours List 2009

Having **NOTED** that Mr Douglas Colin Macdonald, Watch Manager of the Carrbridge Community Response Unit, had been awarded The Queen's Fire Service Medal for Distinguished Service in the New Year Honours List, and having heard the Chief Fire Officer speak in praise of Mr Macdonald, the Board **AGREED** that a letter of congratulation be sent and that Mr Macdonald be invited to a future meeting of the Board.

3. Minutes of Meeting of 14 November 2008

The Minutes of Meeting held on 14 November 2008, copies of which had been circulated, were found correct and **APPROVED**.

With regard to item 4 of the Minutes, where the Board had agreed that the Convener and representatives as appropriate from the Highlands and Islands Fire and Rescue Service (HIFRS) meet with the individual Constituent Authorities, in particular Shetland Islands Council (SIC), to discuss budget issues, the Board **NOTED** that:

- i. the Convener and the Chief Fire Officer had represented the Board and HIFRS at budget discussions held with SIC at a special meeting of that Council;
- ii. the Convener had met with the Director of Finance and Chief Executive of Comhairle nan Eilean Siar; and
- iii. arrangements for discussions with Orkney Islands Council and The Highland Council were progressing.

With regard to item 14 of the Minutes, the Board **NOTED** that the Appointments Sub Committee would meet on 6 February 2009 to consider applications for the post of Deputy Chief Fire Officer, with interviews scheduled for 25 February.

4. Minutes: Policy and Finance Working Group – 10 December 2008 and 9 January 2009

i. 10 December 2008

There had been circulated Minutes of Meeting of the Policy and Finance Working Group held on 10 December 2008.

The Board **APPROVED** the circulated minutes of 10 December 2008 and **NOTED** that, in exercise of powers remitted by the Board at its meeting held on 14 November 2008, the Working Group had agreed:

- (a) to continue to provide cars for Principal Officers to meet operational needs; and
- (b) to request that a report be brought to the Board in January 2010, i.e. two years after the purchase of the current vehicles, and prior to replacement vehicles being sought, the report to review the Board's current practice in

respect of the provision of vehicles to the Service as a whole, including (a) information on appropriate replacement vehicles and timings for those replacements, and (b) an assessment of risks to operational effectiveness of the Service in those areas where a vehicle was not provided.

ii. **9 January 2009**

There had been circulated Minutes of Meeting of the Policy and Finance Working Group held on 9 January 2009, together with the following papers which had been considered at that meeting:

- (a) Report No. PFWG1/09 by the Treasurer comprising a revised requisition table relating to the approved budget, (item 2 of the 9 January 2009 minutes refers), recommended by the Policy and Finance Working Group for approval; and
- (b) Report No. PFWG2/09 dated 18 December 2008 by the Chief Fire Officer on the Highlands and Islands Fire and Rescue Service Draft Service Plan for 2009/10, together with, as an appendix, copy of the draft Plan, (item 3 of the 9 January 2009 minutes refers), recommended by the Policy and Finance Working Group for approval.

The Chief Fire Officer advised that the Service Plan had been brought into closer alignment with Financial Plans and National Outcomes, which facilitated cross-referencing between the documents.

The Board **APPROVED** the circulated minutes of 9 January 2009, including the recommendations at (a) and (b) above, and **AGREED** that, subject to Board approval of the Integrated Risk Management Plan (IRMP) under the following item, the IRMP risk review method be incorporated into the Service Plan.

5. Minutes: Integrated Risk Management Plan Working Group

There had been circulated Minutes of Meeting of the Integrated Risk Management Plan Working Group held on 9 January 2009.

A presentation was given on the methodology behind the IRMP, covering a range of information including:

- a review of the Board's decisions to date regarding IRMP
- the types of data collected since April 2006
- confirmation that the information gleaned from analysis of the data had been fed back to all stations and Community Response Units (CRUs)
- recognition that the data collected was very wide-ranging and needed to be simplified, and that this could be done by allocating a score to different factors according to levels of risk, based on national statistics for fires and including:
 - estimates of the number of lives saved per year / the number of years for 1 life to be saved
 - demographic information – i.e. how many persons were likely to be available to take on a role as retained fire fighter in the location of any given station/CRU
 - the track record of the station/CRU with regard, for example, to recruitment levels, response times etc.

It was proposed that the data collected under the above process be applied in three stages:

1. First Quarter of 2009/10: application of the data to the capital build programme, with ways being found to address any issues identified by the data
2. Second Quarter of 2009/10: carrying out of a sustainability review – should this identify that some stations were not viable, alternative proposals would need to be looked at
3. Third and Fourth Quarters of 2009/10: more detailed investigation of alternative provision where this was found to be required, including the possible requirement for more stations, changes to resources for existing stations, changing the role of existing stations, or other actions as necessary.

Members welcomed the information provided by the IRMP process, which would give a rational basis for decisions. Further to points raised in discussion, the Board was given assurances that:

- alternatives would be looked at prior to any decisions being made as to the sustainability of any station
- the IRMP data would provide a starting point for decisions, but professional judgement and Member involvement would be required
- there had to be recognition that provision of Fire and Rescue services (FRS) in the Board's area was different from other parts of the country – e.g. the statistics might suggest that provision of FRS on a small island might be expected to save 1 life in 150 years, but an ongoing capacity to deal with incidents was required notwithstanding
- the final element in the decision-making process was political choice
- the commitment to provide a Fire and Rescue Service to all communities in the Board area would not change.

The Board **NOTED** the information given, **APPROVED** the minutes of the IRMP Working Group, and accordingly **AGREED** the recommendations that:

- i. the draft IRMP Action Plan 2009/10 be approved;
- ii. the potential to access LEADER funding for the Service's pro-social activities be investigated;
- iii. a presentation on the proposed risk review methodology be brought to the next meeting of the Board, and to Community Planning Partnerships; and
- iv. the Board, following receipt of the presentation, approve (a) the proposed risk review methodology and (b) in the first instance, its application to determine priorities, based upon identified risk, for the capital build programme.

6. Revenue Expenditure 2008/09 – Monitoring Statement

There had been circulated Report No. Fire 1/09 dated 22 December 2008 by the Chief Fire Officer setting out the current position of the Revenue Monitoring Statement for the period to 30 November 2008.

Members were advised that the expenditure to date was £1.5m lower than anticipated due to the timing of expenditure made. In particular, capital charges of £1.1m had been budgeted for but had not yet been charged by the Highland Council. The estimated year-end outturn was £23,080,000, which was £467,000

under budget. This was primarily due to delays in the Firelink project which was to have been funded by £300,000 from reserves. This sum would now be transferred back into reserves. The remaining underspend represented less than 1% of the budget.

Having been advised that expenditure on staffing could vary due to activity levels and the time taken to fill posts, the Board **NOTED** the position, and that, as this was an emergency service, variations in activity levels could impact on the budget at any time.

7. Capital Expenditure 2008/09 – Monitoring Report

There had been circulated Report No Fire 2/09 dated 22 December 2008 by the Chief Fire Officer showing the expenditure and income relating to the Board's capital programme for the period to 30 November 2008.

Members were advised that expenditure to 30 November 2008 was £1.4m, approximately 44% of the annual budget. The estimated year end out-turn was £3.4m, which was in line with budgeted resources.

With reference to matters discussed at the Board meeting on 14 November 2008 (Item 6 of the Minutes of that Meeting refers), Members were advised that, following discussions with the Scottish Government on the spend difficulties with regard to the Board's "top-slice" projects at Rousay and Tongue, it had been agreed that vehicle expenditure planned for 2009/10 be brought forward to the current year. This would enable the necessary resources to be carried forward for the top-slice projects in 2009/10.

The Board **NOTED** the report, and that the apparent discrepancy between figures contained in the report circulated at this item and in that circulated at item 12 below was due to the latter report showing the "bare" figures, i.e. excluding fees, utility costs etc., and **APPROVED**:

- i. the rescheduling of a project under the Major Repairs heading to 2009/10; and
- ii. the reallocation of the relevant resources to fund the purchase of a suitable property to house a retained unit in Baltasound, Shetland.

8. Amendment to Scheme of Delegation

The Board **AGREED** that the remit of the Board's Grievance Appeals Sub Committee be extended as shown in italics below, to include consideration as required of Stage Two appeals submitted through the Internal Dispute Resolution Procedure established in terms of the Pensions Act 1995:

Grievance and Pension Appeals Sub Committee

This Sub-Committee has delegated powers to deal with (a) grievance appeals involving uniformed personnel and/or support staff, where referred to that Sub-Committee in accordance with the relevant Conditions of Service and the terms of any local agreement made for different employee groups and (b) *Stage Two appeals submitted through the Internal Dispute Resolution Procedure established in terms of the Pensions Act 1995.*

9. Public Sector Equality Duties

i. Highland and Islands Fire Board

At its meeting held on 14 November 2008, the Board had delegated powers to the Clerk, in consultation with the Convener, Vice Convener and the Board's Equality and Diversity Champions, Mr J H Ford and Mrs H Carmichael, to finalise and publish (a) the Board's revised Race Equality Scheme by the due date of 30 November 2008, and (b) the Board's revised Race Equality Scheme by the due date of 4 December 2008.

The Board **NOTED** that both documents had been published by their due dates on the Board's web pages and that copies could also be obtained from the Clerk's office.

ii. Highlands and Islands Fire and Rescue Service

There had been circulated and was **NOTED** Report No. Fire 5/09 dated 15 January 2009 by the Chief Fire Officer on his annual report in relation to the Disability Equality Duty.

10. Review of Discretionary Policies under the Local Government Pension Scheme

There had been circulated Report No. Fire3/09 by the Treasurer dated 15 January 2009 reviewing the Board's discretionary policies under the Local Government Pension Scheme

Members were advised that the Discretionary Payments Regulations had initially been set up in 1998 and were reviewed every five years. The last review had taken place in 2004 and the next full review was scheduled for 2009.

Having been advised that there were had been no changes with regard to Appendices 1 and 2 to the report, the Board **AGREED**:

- i. the recommendations contained in Appendix 1 of the report; and
- ii. to retain an "opt out" provision allowing reconsideration of any discretionary policy if the special circumstances of an individual case merited it.

The Board **NOTED** the content of the policies contained in Appendix 2 of the report and that all policies would be reviewed in 2014.

11. Fire Conveners' Forum

There had been circulated for Members' information Minutes of the first Meeting of the Scottish Fire Conveners Forum (SFCF) held on 23 October 2008.

The Board **NOTED** the Minutes and a tabled briefing note to the COSLA Community Safety Executive Group, arising from the SFCF's second meeting and making reference in particular to:

- the role of the FCF in discussions on the future distribution of Fire Capital Grant, including the FCF's agreement to support the principled position that there should be a national minimum standard of provision enabling the

Service throughout Scotland to operate; its agreement in principle that paying for the upgrade of such facilities should be met through new burdens funding; and its role in taking this forward via forthcoming talks with the Minister

- the FCF response to the potential impact of the EU Working Time Directive (WTD) on the provision of fire and rescue services, in particular the role of Retained Fire-fighters, and that the Convener would pass background papers on this issue to Members.

The Chief Fire Officer explained the potential impact of the proposed changes to the WTD on the provision of the Retained service. It was understood that the WTD proposals would mean that hours during which Retained Fire-fighters were available on-call for work (around 120 hours per week) would be counted as working hours. The maximum number of working hours under European legislation was 48 per week. The UK currently had an opt-out in this regard, but the EU was seeking for this to be removed.

Full discussion followed, in which Members expressed serious disquiet at the potential impact of the removal of the UK's WTD opt-out on the Fire and Rescue Service, which could mean that, in order to continue to provide a service at the current level, all fire-fighters would need to be full-time employees. The financial implications of this would be considerable, and, in areas of low population, there could also be difficulties recruiting sufficient numbers of personnel. A common sense approach was required and Members suggested that it would be useful to find out how communities in other parts of the EU subject to the WTD provided a fire service in rural areas.

After discussion, the Board **AGREED**:

- i. to write to the Scottish Government, the UK Government, Highlands and Islands MPs and MSPs and Scottish MEPs, seeking assurances that they would not allow the WTD to impinge on the safety of communities;
- ii. to write to the Constituent Authorities to flag up the potential impact on the Board's revenue budget should the UK WTD opt-out be removed;
- iii. that the Service, the Clerk and the Treasurer liaise to bring a report to the next Board on the financial and other implications of the WTD; and
- iv. that the Chief Fire Officers Association (CFOA) be asked to find out what practices were adopted with regard to the provision of fire cover in the more rural areas of those EU Member States where the WTD was already in place

12. Capital Programme Monitoring Report

There had been circulated Report No. Fire 6/09 dated 15 January 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. Confirmation was given that figures in future reports would be prepared on the same basis as for the Capital Monitoring report.

Members having been advised on progress since the report had been compiled, including that work would commence on site at Rousay on 26 January 2009 and was expected to be completed by late summer 2009, the Board **NOTED**:

- i. the updated information on projects;
- ii. that future reports would include site possession dates and estimated completion dates; and

- iii. that figures contained in the circulated paper would be reviewed to confirm there was no discrepancy between the reports circulated at this item and at item 8 above.

13. Condition Report - Stornoway

There had been circulated Report No. Fire 9/09 dated 19 January 2009 by the Director of Housing and Property of the Highland Council outlining the outcomes following inspections of Stornoway Fire Station carried out by various officers from Highlands and Island Fire and Rescue Service, The Highland Council and Comhairle nan Eilean Siar, and advising Members of the actions to be taken in relation to some specific Health and Safety requirements at the property.

The Board **NOTED**:

- i. the content of the surveys and the actions to be taken to resolve Health and Safety issues; and
- ii. the costs identified within the Condition Survey.

14. Site Acquisitions Progress Report

There had been circulated Report No. Fire 7/09 dated 15 January 2009 by the Director of Housing and Property of the Highland Council summarising the status of the acquisition of sites for future development. The Director provided a verbal update on progress since the report had been compiled, including that:

- i. a formal offer had been issued for the site at Scalloway, Shetland, the previous day;
- ii. delays with the acquisitions at Bayhead and Uig, Skye, due to feasibility studies having not been received by the Fire and Rescue Service, would be addressed and investigated; and
- iii. the District Valuer would be visiting Whalsay and Baltasound, Shetland, the following week and his report would be forthcoming in due course.

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

15. Use of Pagers

At the Board's meeting on 14 November 2008, the Chief Fire Officer had undertaken to investigate the issues raised regarding the difficulties incurred in the use of pagers, such as the lack of reception, and to consider problems and solutions.

The Chief Fire Officer provided an update on his investigation, advising that procedures were in place to capture evidence of all equipment failures and to remedy or mitigate the situation. Reviews were carried out, together with testing of equipment. Where problems were identified, other systems were put in place, such as contact by mobile phone. Installing a repeater station was not usually a viable option due to costs of around £20,000.

The Board **NOTED** the information given by the Chief Fire Officer.

16. Operational Update

The Chief Fire Officer provided an update on recent operational activities, including:

- i. a toxic chemical spill at Corpach, Fort William on 10 December 2008, involving specialist personnel and liaison with staff at Headquarters;
- ii. a fire at a woollen mill at Spean Bridge on 14 January 2009, involving crews from Fort William, Fort Augustus and Drumnadrochit, and the Spean Bridge Community Response Unit;
- iii. a fire on Shapinsay on 17 January 2009, involving the transport in the early hours of the morning of a second fire appliance by ferry from Kirkwall;
- iv. a fire at Raasay House, on 18 January 2009, involving the transport of fire appliances from Portree and Broadford by ferry in very difficult weather conditions, which had then been relieved by crews from Kyle and Inverness, with fire appliances from Uig and Drumnadrochit being relocated to provide replacement cover; and
- v. a fatal fire in Stornoway involving two appliances and evacuation of neighbouring properties. This incident had been followed up by a fire safety campaign in the area.

The Chief Fire Officer commended the professionalism of all the officers involved.

Members paid tribute to the officers and the Chief Fire Officer undertook to pass their thanks on to the personnel involved, and also to write to the ferry companies, the Royal National Lifeboat Institution and the Maritime and Coastguard Agency to thank them for the part they had played in the incidents.

The Board **NOTED**:

- i. the update on recent operational activities; and
- ii. that the Chief Fire Officer would pass on Members' thanks to Fire-fighters and others as appropriate.

The Board **AGREED** that the Convener write to the Fire-fighters involved in the recent missing person incident in Benbecula, who had acted above and beyond the call of duty.

17. Fire Scotland Conference 2009

Members had been advised that the Fire Scotland Conference 2009 would take place in Crieff on 3-4 February 2009. The Board **APPROVED** the attendance of the Convener and Mr I Mackenzie, the delegate fee for the residential event being £180.

18. Fire-fighter Fitness Standards

There had been circulated Report No. Fire 8/09 dated 15 January 2009 by the Chief Fire Officer on ongoing work into determining agreed national fitness standards and the likely impact on recruitment within the Retained Service if adopted.

The Fire and Rescue Service Head of Personnel spoke to the report, and drew attention to:

- ongoing national discussions regarding minimum fitness standards for Fire-fighters and that a VO2 max (measurement of lung capacity) of 42 had been agreed for England and Wales
- current VO2 requirements for the Highlands and Island Fire Service were 45 for full time officers and 36 for retained officers
- if the minimum standard for all officers rose to 42, there would be implications for recruitment to the Retained service, around 30% of retained officers recruited in the past two years having been below the VO2 42 standard
- it was foreseeable that, at some point in the future, all officers (i.e.. not just new recruits) would be required to meet the minimum standard – the long-term aim was to raise the standard.

In discussion, Members were in agreement that Fire-fighters must be of a standard of fitness that would enable them to carry out the job. However, if the standards were too stringent, there was a danger that it would not be possible to provide a Fire and Rescue Service in some locations, particularly in rural areas. There should be recognition of the Highlands and Islands' situation, and that the best that a community could provide would in some cases require to be accepted.

The Board **NOTED** the report and that the Chief Fire Officer would take forward Members' comments on the need for a balance between officers' fitness requirements and a recognition of the resources available, particularly in smaller communities, while recognising that health and safety exemptions were not usually forthcoming.

19. Lochaline Fire Station – Inter-Agency Agreement

There had been circulated Report No. Fire10/09 dated 19 January 2009 by the Chief Fire Officer seeking Member approval to enter into formal dialogue with The Highland Council and the Maritime and Coastguard Agency about the potential for a multi-agency approach to the replacement of Lochaline Fire Station, as an integral part of the proposed new Primary School. The Chief Fire Officer was supportive of the concept, but details would require to be agreed.

The Board **APPROVED** formal dialogue between the Highlands and Islands Fire and Rescue Service, The Highland Council and the Maritime and Coastguard Agency on a replacement Lochaline Primary School as a multi-agency development, on the basis of a £300,000 contribution to the project should current estimates prove to reflect eventual accommodation requirements; and **AGREED** that a further report be brought to the Board at a future date outlining the proposals in more detail and seeking formal approval to enter into the proposed joint working arrangements.

20. 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 paragraph being shown.

21. National Pay Award (Support Staff)

Paragraph 11

There had been circulated to Members only Report No. Fire4/09 dated 22 December 2008 by the Clerk on the pay award to Support Staff.

The Board **APPROVED** the implementation of the 3% pay award for all support staff for the year 1 April 2008 to 31 March 2009 and **AGREED** to await further developments before making a decision on the increase to be paid for 2009/10.

22. Award of Tender – Rousay Fire Station

Paragraphs 6, 8 and 9

At its meeting held on 14 November 2008, the Board had agreed that the award of tender for Rousay Fire Station be deferred until the outcome of talks between the Convener, the Chief Fire Officer and the Scottish Government regarding the underspend on the top-slicing award was known.

There had been circulated to Members only copy tender award valuation report relating to this project. As the sum involved exceeded the relevant prescribed sum permitting the exercise of delegated powers, the Board was invited to homologate the award of tender as recommended therein, the contract having been awarded on 10 December 2008.

Having **NOTED** that the word “Rousay” should be substituted for “Tongue” at Paragraph 1 of the circulated report, the Board **HOMOLOGATED** the award of tender.

23. Valedictory

As the Deputy Chief Fire Officer was to retire at the end of March 2009, the Convener thanked Mr Wood for his immense contribution to the Service over the previous two years. The Board supported the Convener in wishing Mr Wood well for the future.

The meeting ended at 3.35 p.m.