

NORTHERN IRELAND FIRE & RESCUE SERVICE BOARD

MINUTES OF A MEETING

23 AUGUST 2011

1.30 PM

PRESENT: Dr J McKee, Chair presiding
Mr P Craig, Chief Fire Officer/Chief Executive
Mr J Barbour
Cllr M Carr
Mr A Hanna
Ald A Hatch
Mr M Kerr
Mr C Mack
Ald Mrs G Rice
Mrs P Tally

APOLOGIES: Cllr D Barbour
Mrs S Grant

IN ATTENDANCE: Mr C Kerr, Deputy Chief Fire Officer
Mr T McGonigal, Director of Finance & Performance
Management
Dr D Michail, Director of Planning & Corporate Affairs
Mrs C McNally, Corporate Communications Manager
Mrs A Davidson, Head of HR
Mrs I Hill, Board Administrative Secretary
Mr D Jordan, DHSSPS

Prior to the commencement of Business, the Chairman congratulated Mr Kerr on his appointment as a Human Rights Commissioner.

At this point,
Mr Hatch entered the Meeting

1 Apologies

Apologies were noted.

2 Declaration of Interests

The Chair sought clarification as to whether any Members of the Board wished to declare any potential conflict of interest with any of the Business Items on the Agenda. Members confirmed that there were no conflicts of interest.

3 Minutes – 28 June 2011

The Minutes of the Meeting held on 28 June 2011, having been printed and circulated, were taken as read and signed as a true record, on the motion of Mrs Rice, seconded by Mr Mack.

Arising out of the Minutes:

Statutory Annual Accounts 2010/11 – Clarification of the Tax Implications

The Chairman sought clarification on the current position.

The Director of Finance & Performance Management explained that HMRC had accepted that there was no mainstream corporation tax liability and that HMRC had registered NIFRS as a dormant entity. He also stated that it had not been necessary to appoint a Tax Consultant.

Mrs Rice sought clarification regarding approval of the Statutory Annual Accounts and the Director of Finance & Performance Management reminded the Meeting that the Accounts had been approved at the June Board Meeting subject to clarification of the tax implications.

The Director of Finance & Performance Management pointed out that no amendment had been necessary to the Statement of Internal Control.

Reports from Board Committees, including approval of Committee Minutes Audit & Risk Management Committee - Chairman's Expenses

Members noted that the procedure for approving the Chairman's expenses was now in place.

Mr Hanna informed Members that during the summer period he, as Vice-Chairman, had approved the Chairman's expenses.

Service Delivery & Performance Committee Minutes of Meeting – 15 June 2011

The Chairman referred to the concerns raised with regard to health and safety issues at Newtown Stewart Fire Station and sought an update.

The Director of Planning & Corporate Affairs confirmed these issues had been addressed.

The Deputy Chief Fire Officer stated that the Area Commanders had been asked to complete a full survey of all premises within their Areas and to prioritise any work required. Members noted that this was now complete.

In response to a question from Mrs Tally regarding the type of work required, the Director of Planning & Corporate Affairs explained that the works would be a mixture of minor and major works. He referred to the Estates Survey which had been previously conducted and explained how such works would be rolled forward.

The Chief Fire Officer added that Area Commanders had also been asked to consider the matter in light of NIFRS capital funding and the change in priorities.

Mrs Tally acknowledged NIFRS capital funding position but reiterated that NIFRS had clear responsibilities for maintaining the remainder of its Estate.

Mr Hatch referred to NIFRS capital funding and the current underspend and emphasised the need to closely monitor budgets. The Chairman highlighted that Management Accounts would be discussed later on the Agenda.

Mr Kerr, Chairman of the Finance Committee, informed Members that he had met with the Director of Finance & Performance Management to discuss the financial position. He referred to the capital underspend explaining that there had been slippage on the 2 build projects against profiled expenditure.

Wholetime Recruitment

The Chairman noted that Wholetime recruitment was underway, with a high volume of applications currently being processed.

Mrs Rice referred to the outreach which had been evident during the recruitment campaign and enquired as to feedback.

The Chief Fire Officer paid tribute to all of the personnel involved in the recruitment exercise and expressed his appreciation for all their work. With respect to the impact of the outreach on the level of female applicants, he reiterated that a high volume of applications had been received and these were currently being processed.

The Chairman also commended all those personnel involved in the recruitment exercise for all their work.

Mr Barbour welcomed the commencement of the Wholetime recruitment exercise but pointed out there were other areas where recruitment was required, eg, the Regional Control Centre and the Retained Service and stressed the need to prioritise and progress other recruitment.

With respect to the post of Assistant Chief Fire Officer, the Chairman informed Members that the Chief Fire Officer was reviewing the documentation for presentation to the September Board Meeting.

Assessment & Development Centre Update

Members noted an Assessment & Development Centre update detailing the background to the anomaly, its impact and how this complex issue had been moved forward.

Members were reminded, as advised at the last Board Meeting, the Chief Fire Officer had met with each of the 7 individuals who were potentially disadvantaged due to the ADC anomaly and, as agreed by the Board, had explained that they would be appointed to the appropriate role, with the time in post backdated to their original substantive date and that NIFRS would not be in a position to pay any loss of wages for time when they were not in post.

The Chief Fire Officer informed Members that each of the individuals had accepted NIFRS' offer and also advised that each of the 7 personnel will be seeking loss of wages. He added that the third party had been advised accordingly and also that NIFRS is preparing a list of costs, which NIFRS will expect the third party to reimburse.

The Director of Finance & Performance Management stated that there were costs associated with the third party error and these are currently being evaluated. Members were also informed of the main financial implications.

In response to a question from Mr Hatch regarding the level of costs, the Chief Fire Officer stated that the potential costs were unknown but assured Members that whatever the costs, NIFRS will be seeking recompense from the third party. The Director of Finance & Performance Management gave Members an overview of the costs currently being evaluated in making a calculation to establish these costs.

The Chief Fire Officer explained that, in order to continue to progress this issue, Board approval was required in respect of the undernoted:

- 1 To approve the backdating of 'time in rank' for the 7 affected employees' Service records to the date when the promotion should have occurred;
- 2 To seek damages from the third party on behalf of the affected employees for loss of earnings;
- 3 To seek damages/compensation from the third party in respect of all employer's costs including additional pension costs, increments and other employer's costs;
- 4 To seek damages/compensation from the third party for legal and administrative expenses incurred by NIFRS.

Following discussion, the Board, on the motion of Mrs Rice, seconded Mr Kerr, unanimously –

Resolved: **“to approve the above actions in order to progress this matter”.**

Statutory Annual Accounts 2010/11 – Clarification of the Tax Implications

The Director of Finance & Performance Management informed Members that the Statutory Annual Accounts had been approved at the June Board Meeting subject to clarification of the tax implications. He reiterated that HMRC had accepted that there was no mainstream corporation tax liability and had registered NIFRS as a dormant identity.

He stated that the external Auditors and Northern Ireland Audit Office had been content with this outcome and had signed off the issue as resolved. He also stated that no amendment had been necessary to the Statement of Internal Control.

Members noted that the Accounts had now been laid.

Media Services Business Case

It was noted that, at the Board Meeting held on 28 June 2011, Members had agreed that, in light of business needs, the Business Case for Media Services be progressed and retrospective approval sought from the Board at its August Meeting.

Members noted the Executive Summary of the Media Services Business Case along with memoranda from the Chief Fire Officer and the Director of Finance & Performance Management pertaining to the matter.

The Chief Fire Officer informed Members that the Business Case proposes revenue expenditure below £250k for media services costs only (excluding associated publicity costs) and in accordance with DHSSPS delegated limits can be approved internally without submission to DHSSPS.

The Chief Fire Officer explained that in light of DFP Guidance pertaining to Appraisal and Approval Procedures: The importance of including total costs appraising mutually dependent expenditure together and not splitting costs, and given that the Business Case was largely complete, NIFRS had sought guidance from DHSSPS as to whether the publicity expenditure should be included within the Business Case. He further explained that DHSSPS/DFP had advised that the issue of mutually dependent expenditure could be addressed in a covering letter to the Business Case.

The Chairman noted that the Business Case proposes expenditure of approximately £230,000, yet NIFRS spends over £900,000 on media advertising, etc. Mrs Tally acknowledged the Chairman's comments and expressed concern that the Board were being asked to approve a Business Case with expenditure of around £230,000 yet with the procurement of airtime, advertising, etc, the expenditure was circa £1 million.

The Director of Finance & Performance Management assured Members that the expenditure was approved within NIFRS budgets. He stated that the funding relating to the Media Services Business Case would be allocated and monitored. He added that the next time the Media Services Business Case was developed all mutually dependent expenditure would be considered.

The Chief Fire Officer answered Members' questions on various aspects relating to media services, its impact and how NIFRS ensured it was achieving best value.

The Director of Finance & Performance Management gave Members an overview of his memorandum regarding the matter and also the options contained within the Business Case.

In response to a question from the Chairman regarding the timeframe for progressing the Business Case, the Chief Fire Officer explained the need to move forward with the Business Case and the procurement of Media Services as the contract is due to expire on 31 October 2011. He assured Members that contingencies were in place should the timeframe not be met.

Mr Hatch expressed concern that the process for procuring a new Media Services Contract had commenced too late thereby inhibiting detailed consideration of the options available to NIFRS. He also expressed concern as to the potential additional costs for Media Services as NIFRS would have no other option other than to use the contingency, ie, Government contracts, until the new Contract was in place. He stressed the need, in future, for contracts to be closely monitored and the Board advised of any priorities.

The Chairman referred to NIFRS' current contract for Media Services and explained that with respect to creativity, NIFRS held the copyrights for all material. He concurred with Mr Hatch's comments regarding the need for contracts to be monitored and the Board advised of priorities.

The Board, on the motion of Mr Barbour, seconded by Mrs Rice, unanimously –

Resolved: “to approve the Media Services Business Case”.

In response to a question from Mrs Tally regarding NIFRS Christmas Safety advertising, the Chief Fire Officer explained that all such air time was pre-booked.

WPFG 2011 Itinerary

Members noted the WPFG 2011 Itinerary for the Chairman and the Chief Fire Officer.

The Chairman extended his best wishes to the Chief Fire Officer for a safe and successful trip.

In response to a point of clarification from Mrs Rice, the Chairman confirmed that DHSSPS approval had been granted with respect to his attendance at WPFG 2011. He referred to WPFG 2013 which will be a major event for NI plc given the potential competitors and spectators/supporters.

The Chairman reminded Members that the Chief Fire Officer would be attending the Games in his dual role as Chief Fire Officer and as Vice-Chair of the 2013 WPFG Board. He stated that, as Chairman of NIFRS Board, he would be performing a PR role, along with representatives from the other Services, promoting NI as the venue of the 2013 Games.

The Chief Fire Officer concurred with the Chairman's comments reiterating that WPF 2013, in light of the current economic climate, was a major opportunity to promote NI and presented huge opportunities for Councils, businesses and other services within NI.

Mr Hatch referred to the NI Local Government Association and explained that as a conduit for District Councils, the Association would be able to assist in promoting the Games across the 26 District Councils.

Members noted that the attendance of the Chairman and Chief Fire Officer would gain an understanding of the scale and complexities faced by NIFRS and the partner agencies who have signed up to running the 2013 Games. Members stated that a briefing on WPF 2013 outlining the key stakeholders, planning for the Games, etc, would be useful and suggested that a presentation be given to a future Board Meeting.

The Chief Fire Officer gave Members a brief overview of the make-up of the 2013 WPF Company established by DCAL, the support being provided by NIFRS and the types of issues being considered by the Board in preparation for the Games. He highlighted that a key issue was facilitating competitors.

Members extended best wishes to the Chairman and Chief Fire Officer for a successful trip.

At this point,
the Deputy Chief Fire Officer entered the Meeting

4 Chairman's Business (including National Joint Council Matters) National Joint Council Matters

Members noted that there had been no meetings of the National Joint Council since the June Board Meeting.

Chairman's Activities

The Chairman gave Members a brief account of his activities during July/August and also forthcoming meetings, etc.

Enniskillen

The Chairman acknowledged that the Board needed to progress the Enniskillen issue.

He proposed that a Special Meeting to specifically discuss the matter be convened and suggested 9 September 2011. Members noted that documentation would be circulated in advance for their consideration.

Members agreed that a Special Meeting be convened on 9 September 2011 at 2.00 pm.

5 Chief Fire Officer's Business

Members noted the Chief Fire Officer's Report for the months of June and July 2011.

Operational Performance

The Chief Fire Officer gave Members an overview of NIFRS operational performance during June and July.

Members noted Emergency Response Survey 1 2010/11 Results Summary which had been circulated for information.

Prevention Performance

Members noted that a Memorandum of Understanding (MoU) had been completed with Environmental Health and that the MoU with the Licensing Forum (Licensing Inspecting Officers) was at an advanced stage. Members also noted that NIFRS existing wildfire advertising had been expanded, highlighting accidental causes of wildfire.

HR Performance

Director of Human Resources – Vacant Post

Members were aware that as of the end of July, Mrs Heather Ellis, who had been acting as the Senior HR Manager, returned to her substantive role in the Southern Health Trust.

The Chief Fire Officer expressed his appreciation for the significant assistance provided by Mrs Ellis during her secondment.

The Chief Fire Officer welcomed Mrs A Davidson, Head of HR, to the Meeting. He explained that, as NIFRS is temporarily without HR advice, to enable day-to-day management of the HR function, NIFRS HR staff will act up in the role as Head of HR on a 4-month rolling programme. He stated that the Head of HR will provide support to NIFRS, assist Directors and the Board in all HR matters and will report to him. Members noted that the temporary job specification had been agreed with the relevant representative body and all the individuals concerns and that it was anticipated this interim solution would remain in place until a substantive Director of HR has been appointed.

The Chief Fire Officer also informed Members of discussions with DHSSPS Business Services Organisation (BSO) who have agreed to provide specialist HR support on a needs basis to allow him and the Board to take forward the strategic review of HR. Additionally, BSO will also assist him in the development of the personal specification, job description and application form for the vacant post. Members noted that a paper would be presented to the HR Committee with regard to the way forward for HR.

Mr Hatch expressed concern regarding the lack of progress with respect to key HR matters during the year and sought clarification regarding the role of the Senior HR Manager during her secondment to NIFRS.

The Chief Fire Officer highlighted that the Organisation has gone through significant change over the past year, ie, an Interim Board, new appointments to Senior posts, etc. He stated that he had considered the position with HR and how best to meet the needs of the Organisation with day-to-day management as one element and the strategic review of HR another. He stressed that the Organisation was moving forward.

The Chairman read an extract from DHSSPS letter outlining the role of the Senior HR Manager seconded to NIFRS. He pointed out that it had been a difficult position given the significant changes within the Organisation.

Mr Barbour acknowledged that there had been blurring of roles to be performed by the Senior HR Manager and welcomed the clear delineation of roles with Head of HR dealing with day-to-day matters and the Chief Fire Officer and BSO taking forward the strategic review of HR.

The Chief Fire Officer emphasised strongly the Senior HR Manager had carried out her role within the Organisation during a period of major change, eg, appointment of Chief Fire Officer, Deputy Chief Fire Officer, etc, and as a result had become heavily involved in the day-to-day management of the HR function.

The Chairman noted Members' comments and stated that as the new Board was now in place, matters were progressing and NIFRS was moving forward.

Financial Performance

Members noted a comparison of the original profiled revenue position against the actual expenditure incurred at the end of July 2011. The Chief Fire Officer explained that expenditure was lower than initially projected and this had resulted predominantly from underspends in Operational Expenditure and Training. He informed Members that NIFRS are seeking opportunities to reprofile spending and have declared the current position to DHSSPS.

Organisational Performance including Corporate Risk Assessment

Members noted information presented with respect to all informal and formal complaints received by NIFRS in relation to operational service delivery for the first 3 months of the 2011/12 financial year.

Capital Projects Update – Rathfriland and Omagh Fire Stations

Members noted progress to date with respect to Rathfriland and Omagh Fire Stations.

With respect to Omagh, the Director of Planning & Corporate Affairs informed Members that the original decant facility proposal had fallen through but that alternative proposed decant premises had been identified which will allow NIFRS to proceed with a minimum of delay in the programme plan. He stated that although this would have an impact on the commencement of the construction of the new facility, he was confident that the contract will get back on schedule.

Mrs Tally referred to the reprofiling of revenue expenditure and suggested the possibility of funding being redirected to minor works. With respect to the Capital profiled spend to March 2012, she expressed concern in relation to NIFRS' precarious position given the level of expenditure planned in the last quarter.

The Director of Finance & Performance Management acknowledged that NIFRS capital profile was year-end loaded with 57% of expenditure planned for last quarter. The Chief Fire Officer explained that this was as a result of lead-in times for cars, etc, and assured Members that DHSSPS had been informed of this position.

In response to a question from Mrs Tally regarding profiling on the basis of a rolling programme, the Director of Finance & Performance Management explained that this was not feasible as NIFRS was not aware of its capital funding for each year. He added that the expenditure for Rathfriland and Omagh had been based on profiles from Health Estates and that slippage had occurred due to other external processes. He reiterated that the matter had been raised with DHSSPS and NIFRS would be presenting proposals for reprofiling in September.

Mr Barbour expressed his concerns in relation to these underspends and whether any consideration had been given to the potential impact/implications on future indicative budgets.

The Chairman also expressed his concerns with regard to the current position of the revenue budget especially as the Organisation was almost halfway through the financial year.

The Director of Finance & Performance Management gave Members a more detailed explanation of the current position as presented in the Management Accounts for the period ending 31 July 2011.

The Director of Finance & Performance Management reminded Members that, as reported last month, funding had been provided for the purchase of PBI Gold PPE following reprofiling of the staffing budgets with expenditure budgeted for in the last quarter of the 2011/12 financial year. He informed Members that whilst the first tranche of kit had been ordered without the need for a Business Case, a Business Case had now been requested by DHSSPS and this was currently being developed. He explained the difficulties this presented in terms of timeframes for placing orders with the suppliers and the potential risk that the anticipated expenditure will not take place this financial year.

The Chairman stated that it may be necessary for the Corporate Management Team to take a strategic decision as to whether to continue with the procurement of PBI Gold.

The Deputy Chief Fire Officer alerted Members to the impact on service delivery should the contract not proceed. He informed Members of the background to the decision to purchase PBI Gold, explained the position in relation to stocks of PPE and the age profile of Firefighters' kits currently in operation, hence the need for procurement of PBI Gold to be progressed.

Mrs Rice expressed her concern in relation to the matter especially as PPE was paramount to Firefighters' health and safety. She asked that DHSSPS be made aware of the potential health and safety issues should the project not be completed.

The Chairman suggested that the Chief Fire Officer raise the matter with DHSSPS.

Mr Mack pointed out the need for the Corporate Management Team to actively consider the slippage in expenditure and identify the priorities which would require the Board's support.

The Chairman asked that the Corporate Management Team provide a list of priorities for the current financial year to the September Meeting. He also requested that Board Members, through the Standing Committees, advise what they consider to be their priorities for the current year.

In response to question from Mr Kerr, the Deputy Chief Fire Officer assured Members that the current Firefighters' kit had been tested and exceeds best practice. He explained that NIFRS had approval to proceed with the procurement of PBI Gold hence the first tranche of kit had been ordered. In-year second tranche of kit required Business Case approval to proceed. He reiterated the position with regard to the current kit, ie, stock levels, age profile, etc, and the difficulties any delay presented in terms of timeframes for placing orders with the suppliers.

The Chief Fire Officer informed Members that the Business Case was being developed.

Following further discussion, the Chairman stressed the need for the Chief Fire Officer, in light of health and safety concerns, to raise the issue of the Business Case for PBI Gold with DHSSPS. Given the urgency of the matter, he asked that the Deputy Chief Fire Officer progress the matter in the Chief Fire Officer's absence.

Contracts Awarded – June and July 2011

Members noted a list of Contracts Awarded for the months of June and July 2011.

In relation to Future Events, the Director of Planning & Corporate Affairs referred to the Public Meeting in Omagh on 18 August 2011 which was part of NIFRS' ongoing public consultation on the new Community Fire Station for the town. He stated that a number of Councillors had attended and were very supportive in general and with progress to date. He advised Members that the documentation from the public meeting was available to Members should they wish to have a copy of same.

6 Standing Items

Report from DID Project Programme Board and DID Implementation Plan Update

Members noted the DID Implementation Plan Update as at June 2011, along with the Risk Log for Implementation of DID Report Recommendations.

Mr Hanna gave Members an overview of the current position highlighting that 20 recommendations had been updated with one recommendation removed. He stated that following a meeting with the Director of Planning & Corporate Affairs and subject to verification, he explained that NIFRS would be in a position at the next DID Project Programme Board Meeting to sign-off a further 5 recommendations. Of the remaining recommendations, 5 related to Risk Management and 7 were outside the scope of the Project Board. For example, the maximum number of Board Members which requires legislative change.

Mr Hanna noted that there were a number of recommendations which would be taken forward within NIFRS Standing Committees. He emphasised that NIFRS had demonstrated its willingness to move issues forward and good progress was being made overall.

The Director of Planning & Corporate Affairs referred to the recommendations requiring legislative change and explained that discussions had taken place with DHSSPS with regard to these recommendations being taken forward through the DHSSPS/NIFRS Accountability Review process.

Mr Hatch referred to the recommendation pertaining to the number of elected representatives on the Board being reduced from 4 to 2 and explained that NILGA had strong views regarding this matter. He explained the role of elected representatives and NILGA's view that there should be at least 4 elected representatives on the Board.

7 Relevant Correspondence

The following relevant correspondence was noted:

Letter of appreciation from The Fire Fighters Charity.

8 Sealing of Documents

Members noted the undernoted documents for sealing:

Northern Ireland Fire & Rescue Service with –

Specsavers Optical Superstores Limited – Eyesight Services (3 years);

T Holdsworth Electrical – Appliance Room Doors Maintenance at NIFRS Premises (2 years);

Dennison Commercials Limited – Volvo Truck Parts;

IJK Timber Group – Oriented Strandboard (OSB) (Type 2); and

Mr A Malcolmson – Temporary License Agreement for Use of Premises as Fire Station at Castle Hill, Rathfriland.

9 Any Other Business

There was no other Business.

10 Schedule of Future Meetings

Members noted a Schedule of Meetings of the Board and its Committees for the months of September and October.

Service Delivery & Performance Committee

The Deputy Chief Fire Officer explained to Members that, to enable NIFRS to meet the required timeframes for the development and implementation of NIFRS Integrated Risk Management Plan (IRMP) 2011-2014, it would be necessary to convene a Meeting of the Service Delivery & Performance Committee in September.

It was agreed that a Meeting of the Service Delivery & Performance Committee be held on 19 September 2011 at 9.30 am. Subsequently, the Meeting scheduled to take place on 4 October 2011 was cancelled.

Remuneration Committee

It was agreed that a Meeting of the Remuneration Committee be held on 19 September 2011 at 11.30 am.

October Board Meeting

Members noted that, as previously agreed, Meetings of the Board will occasionally be held at locations outside Headquarters.

The Chairman proposed that the October Meeting be held at Western Area Headquarters, Crescent Link, Londonderry. Members unanimously agreed.

THIS CONCLUDED THE BUSINESS
AND THE MEETING TERMINATED
AT 4.10 PM
