

NORTHERN IRELAND FIRE & RESCUE SERVICE BOARD

MINUTES OF A MEETING

28 APRIL 2009

1.25 PM

ARMAGH COMMUNITY FIRE STATION

PRESENT: Mr W F Gillespie, Chair presiding
Mr C Lammey, Chief Fire Officer/Chief Executive
Mr P Bradley
Mr J Campbell
Mr S Clarke
Mr K Harper
Mr A Hatch
Mr J McKeever
Mr R Pollock

APOLOGIES: Mr J Beattie
Mrs B Gilliland
Mrs P Tally

IN ATTENDANCE: Mr L Jones, Deputy Chief Fire Officer
Mr P Craig, Assistant Chief Fire Officer (Community Development)
Mr T Wright, Assistant Chief Fire Officer (Technical Development)
Dr D Michail, Director of Planning & Corporate Affairs
Mr T McGonigal, Director of Finance & Performance Management
Miss U Devlin, Corporate Communications Officer
Ms H Robinson, DHSSPS
Mrs I Hill, Board Administrative Secretary

1 Apologies

Apologies were noted.

2 Minutes

The Minutes of the Meeting held on 24 March 2009, having been printed and circulated, were taken as read and signed as a true record, on the motion of Mr Campbell, seconded by Mr Pollock.

Arising out of the Minutes:

Portstewart Fire Station – Removal of Second Fire Appliance

Members were aware that after discussions with the Department, the Portstewart fire appliance had been reinstated on 2 April 2009 as the Minister has not yet ratified the Board's decision. The Chair also referred Members to the informal discussions regarding the matter at the Board Workshop on 31 March 2009.

The Board, on the motion of Mr Hatch, seconded by Mr Bradley, reluctantly –

Resolved: **“to give retrospective approval to the reinstatement of the second appliance at Portstewart Fire Station.”**

The Chair informed Members that he and the Chief Fire Officer had attended a meeting with the Minister on 24 April 2009. He gave Members a brief outline of those present at the meeting which had principally been held to discuss efficiency savings. He explained to Members that discussion at the meeting had turned to the removal of the Portstewart fire appliance and the Minister had strongly indicated that he wanted the Board to reverse its decision regarding the second appliance.

The Chair advised Members that the Minister expected the Board to reverse its decision at today's Meeting. He referred Members to Standing Order No 16 which states *“No Motion to rescind any resolution which has been passed within the preceding 6 months, nor any Motion which has been rejected by the Board within the preceding 6 months, shall be accepted unless the Motion shall, in addition to the signature of the Member who proposes such Motion, bear the signatures of 5 other Members; and when any such Motion has been disposed of by the Board, it shall not be competent for any Member to propose a similar Motion within a further period of 6 months.”*

The Chair explained that, at the May Meeting of the Board and subject to Members' agreement, he would propose to set Standing Orders aside and, again, subject to Members approving same, he would ask the Board to reconsider its decision with respect to Portstewart. The Chair highlighted that the Deputy Secretary would be in attendance at the May Meeting.

During discussion, Members expressed serious concern regarding the request to reverse the decision of the Board especially given that the decision had been very much evidence-based. Members also expressed concern in relation to the impact of any future decisions taken by the Board.

Members sought clarification regarding the availability of a written request from the Department and the Chair indicated that such a written request was unlikely.

Following further discussion, Members reluctantly agreed that the issue of the second appliance at Portstewart Fire Station be placed on the Agenda for discussion at the May Board Meeting.

Board Workshop

The Chair reminded the Meeting that a Sub-Committee had been established to consider the documentation which had been circulated to Members at the February Board Meeting. Members had agreed to accept the Report of the Sub-Committee and had approved the consequent Action Plan at a second Workshop. The Chair explained that the Board was now required formally to endorse the Report and the Action Plan.

The Board, on the motion of Mr Bradley, seconded by Mr Campbell, unanimously –

Resolved: **“to endorse the Report of the Sub-Committee and approve the Action Plan”.**

At this point,
Mr Harper entered the Meeting

The Chairman informed Mr Harper that the Meeting had dealt with the item concerning the Portstewart fire appliance and advised him of the current position.

3 Service Support Committee Meeting

Members noted the draft Minutes of the Meeting of the Service Support Committee held on 24 March 2009.

The Chief Fire Officer gave Members an overview of the key items of Business discussed at the Meeting.

4 Service Delivery Committee Meeting

The draft Minutes of the Meeting of the Service Delivery Committee held on 21 April 2009 were circulated at the Meeting for the information of Members.

Mr Harper, Chair of the Service Delivery Committee, explained to Members that the main purpose of the Meeting had been to consider NIFRS response to the consultation on Fire Safety Legislation. Members noted that the Committee had endorsed the draft response.

Arising out of the Minutes:

Fire Safety Legislation

Assistant Chief Fire Officer Craig explained to Members that the implementation of the Fire Safety Regulations would put in place one comprehensive and effective piece of fire safety legislation which would cover all domestic premises in Northern Ireland. He informed the Meeting that once the legislation was in place, the responsibilities of NIFRS would change. He outlined the current practice in respect of fire safety provisions and explained that under the new Legislation owners/occupants of premises and employers would have the responsibility for the fire safety of their premises and the people who use them and, whilst being the principal enforcing authority, NIFRS would be issuing guidance documents and providing advice.

Assistant Chief Fire Officer Craig referred to the proposals for the anticipated fire safety reform and highlighted key points such as the inclusion under the Legislation for the maintenance of measures provided in premises for the protection of Firefighters, specific risk management of young people and also the risk management of dangerous substances.

Assistant Chief Fire Officer Craig advised Members that NIFRS was ready for the implementation of the Legislation.

Members noted that Assistant Chief Fire Officer Craig had advised the Department of the need for an advertising campaign to raise awareness with the general public and business community.

The Board, on the motion of Mr Pollock, seconded by Mr Harper, unanimously –

Resolved: **“to approve NIFRS draft response to the Proposals for Fire Safety Reform – A Public Consultation”.**

The Chair pointed out that submitting a corporate response did not preclude any Members from making an individual response to the consultation.

5 Audit Committee Meeting

Members noted that a Meeting of the Audit Committee had been held on 27 April 2009.

Mr Campbell, Chair of the Audit Committee, gave Members an overview of the Business discussed at the Meeting. He stated that it had been a positive Meeting.

Mr Pollock concurred with Mr Campbell's comments and expressed his appreciation to the Head of Internal Audit for all her work.

6 Remuneration Committee Remit

The Chair referred to the draft remit for the Remuneration Committee which had been circulated to Members for consideration. He explained to Members when the Committee had originally been established it had been agreed that the Chair of the Audit Committee should not serve on the Committee in order to retain independence. He advised Members that, in light of advice sought on the matter, the Chair of the Audit Committee could be a Member of the Remuneration Committee.

Members noted that the report from the Sub-Committee, which had been approved by the Board, had recommended that additional Members be appointed to the Remuneration Committee.

Following discussion, the Board, on the motion of Mr Harper, seconded by Mr McKeever, unanimously –

Resolved: **“that the Remuneration Committee consist of the Chair of the Board, the Chair of the Audit Committee, the Chair of the Service Delivery Committee, the Chair of the Service Support Committee and 2 other Members of the Board. The Board elected Mrs P Tally and Mr P Bradley to serve on the Committee”.**

7 National Joint Council Matters

Report on Meetings

The Chair informed Members that he had attended a meeting of the National Joint Council on 25 March 2009 and advised that the main item of discussion had been the pay settlement. Members noted that no agreement had been reached. He also informed Members that the Negotiating Committee had met with the Fire Brigades' Union on 20 April 2009 in respect of the pay settlement but again no agreement had been reached.

The Chair stated that the negotiations were an ongoing issue and that the National Joint Council would endeavour to have the pay settlement agreed before July.

8 Chair's Business

The Chair gave Members a brief account of his activities since the March Board Meeting.

Pension Entitlement – Widow of late P O'Brien

The Chair explained to Members that, under the Board's Scheme of Delegation, the Chief Fire Officer had power, on behalf of the Board, to authorise payments due in respect of pensions. He pointed out that this was normal practice.

The Chair informed Members that Mrs O'Brien had requested that reconsideration be given to the pension paid to her under the Firefighters' Pension Scheme Order (NI) 2007. Members noted that the Pension legislation provides for the Board to reconsider the decision. He circulated a copy of Firefighters' Pension Scheme Circular 1/2009 to Members for information and explained that the Circular set out arrangements for dealing with disputes. He advised Members that legal advice had been sought and it advised that the Board follow the format set out in the Circular. He stated that he felt the Board should appoint a Panel to reconsider the matter.

The Chair outlined options for the way forward –

- As the Chief Fire Officer made the decision on behalf of the Board, the Chief Fire Officer reconsiders the matter on behalf of the Board;
- The Board, as a whole, reconsiders the matter; or
- The Board appoints a Panel to consider the matter.

During discussion, Members agreed that the way forward would be to appoint a Panel and all submissions to the Panel should be in writing. Mr Hatch suggested that the Panel consist of the Members of the Remuneration Committee. The Chair acknowledged the Remuneration Committee as an option. He highlighted the timeframe for dealing with the matter and pointed out the Committee already had a heavy workload.

Mr Clarke sought clarification as to whether the Panel would report back to the Board. The Chair explained that the Panel could have the power to deal with the matter.

Following further discussion, the Board, on the motion of Mr Harper, seconded by Mr Hatch, unanimously –

Resolved: **“to appoint a Panel with the delegated power to reconsider the Pension entitlement of Mrs A O'Brien and that this Panel consist of the Chair of the Board, Mrs B Gilliland and Mr P Bradley”.**

The Chief Fire Officer advised Members that, if necessary, it would be appropriate for the Panel to seek technical/legal advice from the relevant Principal Officer or Director.

Trainee Graduation Ceremony

The Chair reminded Members that the Trainee Graduation Ceremony would be held on Friday, 1 May 2009.

At this point,
Mr Clarke left the Meeting

9 Chief Fire Officer's Report

Operational Activities – Annual

Members noted details of operational activities from 1 April 2008 to 31 March 2009. The Deputy Chief Fire Officer highlighted the key statistics for the information of Members.

Operational Activities

The Deputy Chief Fire Officer gave Members a brief synopsis of operational activities and incidents of note for the month of March 2009.

In response to a question from Mr Bradley regarding an incident involving the Vema Aerial Appliance at Londonderry, Assistant Chief Fire Officer Wright outlined the background to the matter and advised the Meeting of the current position.

2009/10 Budget Allocations

Members noted a draft proposal for 2009/10 Budget Allocations which had been set in accordance with the DHSSPS allocation letter of 31 March 2009.

The Director of Finance & Performance Management gave Members a detailed overview of the proposed allocations. He and the Chief Fire Officer answered Members' questions regarding aspects of the proposals.

Members endorsed the draft proposal for 2009/10 Budget Allocations.

Update for Charges for Special Services/Hire of Equipment

The Chief Fire Officer explained that in April each year, NIFRS updated the charges it makes for Special Services and Hire of Equipment.

Members noted the proposed scale of charges for Special Services and Hire of Equipment which had been updated in line with annual inflation at 4%.

The Board unanimously –

Resolved: “to approve the revised charges for Special Services and Hire of Equipment with effect from 1 April 2009”.

Management Accounts

The Director of Finance & Performance Management gave the Meeting an overview of the Revenue and Capital positions as at 31 March 2009. He explained that the Management Accounts were an interim report as the final year end position has not yet been established as work continues towards the completion of the year-end accounts.

BBC Spotlight Programme

The Chief Fire Officer informed Members that the BBC were planning to air a programme pertaining to the death of Leading Firefighter J McCloskey. He stated that, over a number of months, Spotlight had been trying to collate information for the programme and highlighted the lengths programme makers had gone to gain information. Members noted a copy of the media statement which had been issued to the BBC Spotlight Programme in March 2009. The Chief Fire Officer also informed Members that NIFRS has been working closely with other partner agencies that had been approached by the programme makers.

At this point,
Mr Hatch left the Meeting

The Chair expressed concern in relation to how the programme makers had gone about their business.

The Chief Fire Officer expressed his concern in relation to the matter given that legal proceedings were still outstanding.

10 Relevant Correspondence

The following relevant correspondence was noted:

- (a) Copy of the NI Policing Board Policing Plan 2009/12; and
- (b) Letter from the Chief Constable acknowledging the Chief Fire Officer's letter of sympathy following the murder of Constable S Carroll.

11 Sealing of Documents

Members approved the undernoted documents for Sealing:

Northern Ireland Fire & Rescue Service with –

Donnelly & Taggart (Renault UK) – Medium and Large Vans;

Damien Trolan Limited – New Drill Towers at Northland Road, Portadown and Portaferry.

12 Meetings of the Board and its Committees

Members noted a list of Meetings, etc, of the Board and its Committees for the month of May.

THIS CONCLUDED THE BUSINESS
AND THE MEETING TERMINATED
AT 3.35 PM
