

Justice 2 Committee Official Report 28 September 2004

Scottish Parliament

Justice 2 Committee

Tuesday 28 September 2004

Fire (Scotland) Bill: Stage 1

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14:02

The Convener: Item 2 is the Fire (Scotland) Bill. I welcome to the meeting Mr Glyn Morgan, who is the vice-president of the Fire Officers Association, and Mr John Russell, who is the association's fire safety lead officer. We were to have been joined by Mr Setterfield, the chief executive, but unfortunately he is unwell. We are sorry to hear that. We are grateful to you for agreeing to appear before us.

I know that the committee has a number of areas of questioning for you. We tend not to proceed on the basis of introductory statements, unless there is any burning point that you wish to raise or any clarification that you would like to seek about the meeting.

Glyn Morgan (Fire Officers Association): I have no major issues to cover in an opening statement, but I thank the committee for providing this opportunity to speak at this stage of the bill's passage. It is worth pointing out that we have members from all parts of the service, including support staff, but primarily we represent middle managers within the fire service, who will be charged with the day-to-day implementation of anything that emerges from the bill and the wider modernisation agenda.

We welcome the bill and the agenda for change that is upon us, as we believe that they will enhance the service's role and empower us to deliver services that are better tailored to the community's needs.

The Convener: I was remiss at an earlier stage. I should have observed that Nicola Sturgeon has left our committee and that we will be joined by Stewart Maxwell as her successor. I think that we would all want to record our appreciation to Nicola for her contribution to the committee's work for the time that she was with us.

Members *indicated agreement.*

The Convener: We look forward to Stewart Maxwell joining us in due course. He sent his apologies because he is at a Health Committee meeting this afternoon, at which I presume the member's bill that he introduced is being discussed.

Karen Whitefield has some questions on fire authorities.

Karen Whitefield (Airdrie and Shotts) (Lab): Good afternoon. I draw the witnesses' attention to section 2 of the bill, which outlines proposals for schemes to constitute joint fire and rescue boards. Last week, the committee heard conflicting

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evidence on that issue. A fire inspector told us that there would be benefits from having a smaller number of boards, but the Convention of Scottish Local Authorities raised reservations about limiting the number of boards and said that, although it accepted that allowing fire authorities to work together occasionally would have genuine benefits, there was no need formally to amalgamate boards. What are your views on that matter? Do you think that section 2 gets the balance right?

Glyn Morgan: We have no firm view on what the ideal number of fire authorities in Scotland would be. The main issue, from our perspective, is the impact of the structures on our members, who are faced with the work involved in developing the service and in implementing proposals and policies that come to fruition. It is true that, in some smaller brigades, people are asked to multitask. The ability to develop common approaches would certainly ease the pressure on those members if arrangements were in place to allow collaboration to come up with Scottish answers to Scottish problems. The issues involved in delivering services should be largely the same across Scotland.

We are aware that there is a degree of collaboration between brigades at the moment and that, in some areas, it is quite effective. There have to be economies of scale as a result of the expectation that has been placed on fire authorities in the past few years that they should look at how they might work better together, share common functions and consider taking a common fire and rescue services agency approach, which is mentioned in some of the consultation papers. There will be benefits from working together. Over the past few years, the expectation has been that brigades will do so voluntarily, but we are not convinced that brigades are going far enough and we think that it might be necessary to enforce collaboration. If that has to be done through amalgamation schemes, so be it.

From a day-to-day point of view, I can say that operational needs will dictate the management arrangements. The number of brigades and fire authorities does not really affect the people who are delivering services at the sharp end; it affects

the administration and support systems and the principal officers most. The service will be delivered regardless of the size of the authority that is in place.

Given the establishment of an arrangement to develop shared systems, policies and approaches, there should be no need to change the number of brigades. If no such arrangement arises through voluntary means, the powers that are outlined in the bill will need to be used to ensure that that happens in the long term.

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Karen Whitefield: Do you think that the bill strikes the right balance by allowing for joint working where appropriate but ensuring that fire boards will be able to address local need in their own way where appropriate?

Glyn Morgan: I agree that provision has to be in place to allow local needs to be addressed in a flexible way. However, there is scope to work together in relation to the wider issues that are common to all services and the bill strikes the right balance by containing a power to make it compulsory that fire authorities work together where that does not happen through voluntary arrangements.

John Russell (Fire Officers Association): There is no suggestion that anyone wants there to be more than eight brigades. However, there is also no suggestion that the brigades do not collaborate well at the moment in order to develop the service. The issue that has been raised is whether through voluntary amalgamations or legislative arrangements to amalgamate brigades we could realise economies of scale.

Jackie Baillie (Dumbarton) (Lab): Sections 7 to 10 define the fire and rescue functions. Do you think that there are other functions or responsibilities that fire authorities should have set out explicitly in the bill?

Glyn Morgan: As we said in our submission, we welcome the extension of the core duties of the fire service—or fire and rescue service, as it is likely to be. We certainly feel that the bill enhances the service's role in the community and gives us a wider scope to protect the community that we serve. There is provision to introduce new duties and responsibilities as they are identified and as they arise. However, there are areas such as offshore firefighting that are being developed throughout the UK now—Scotland hopes to have a provision for offshore firefighting by April next year—but which the bill does not really address. It would be useful to define better the scope of the service with regard to offshore firefighting and where the local authority area finishes, which has long been an issue. This is a good opportunity to define what the service's role would be and the extent of local authorities' jurisdiction in line with that.

Jackie Baillie: Should that definition be in the bill now or are you content for the Executive to develop it through secondary legislation, which would provide the flexibility to add to it if and when it was required?

Glyn Morgan: Given that the bill is proposing to introduce responsibilities and duties to respond to road traffic accidents, we do not see any good reason why a duty to fight fires offshore, which we know we will have to do, should not be included

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now while the bill is being considered. Likewise, we know that the fire service will perform functions in other areas, such as urban search and rescue. It would be helpful if as many areas as possible were identified and included in the bill.

The Convener: Section 11 concerns the power of ministers to issue emergency directions. Are you content with that as a statutory provision?

Glyn Morgan: No. In our written submission we express concern about the way in which the section is worded, which implies that ministers will have the power to intervene in or direct operational incidents. We are concerned that that might override the professional managers' role at incidents. We are not sure what the intent of the provision is; it should be made clear.

The Convener: Do you envisage circumstances in which it would be necessary for a minister to have such powers to issue directions?

Glyn Morgan: From the operational command point of view, we do not envisage a situation where the professional opinion on best protecting the public would need to be overridden in the day-to-day incidents that we attend and will attend while carrying out the new rescue functions. Surely any ministerial intervention would be subject to the advice of professional people. The accountability for the decisions would lie with the fire service professional at the scene. I do not really envisage a situation in which the ministerial powers would be necessary.

The Convener: I am thinking of one of the new dimensions events, such as a terrorist attack or some other form of disaster. Is that a situation in which ministerial power could be helpful in having overall authority and in giving a strategic direction to the individual fire authorities to work together?

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Glyn Morgan: I do not think that that would be an issue. As we have seen at incidents, the service works together and resources from other authorities are brought in without the need to dictate that they should be. Arrangements are in place to support one another and other agencies are involved. It may be helpful to bring in other agencies that would not necessarily form part of a response, but

the operational decision making would not be affected by that; it is the logistical support provision that would be in question there.

The Convener: My next question, which is related but slightly at a tangent to that, concerns the role of the firemaster. Concerns have been expressed in previous evidence about the role of the firemaster in the context of the proposed new measures. Is that a role that you think is in some doubt at the moment, and would the problem aggravated by the exercise of section 11?

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Glyn Morgan: Perhaps the bill does not make it clear that a firemaster is responsible for operational service delivery on behalf of a fire authority. That could be clarified better so that it is clear where the jurisdiction starts and finishes. The fire authority itself has other responsibilities, but the firemaster should be held accountable and be responsible for the delivery of operational services. If that were defined in the bill, that would settle any concerns that exist.

Karen Whitefield: In your earlier answers, you touched on the issue of a common fire and rescue services agency. You will be aware that the Executive consulted on the possibility of establishing a common fire and rescue services agency but chose not to include those proposals in the bill in the light of the number of responses that it received suggesting that such an agency was not necessary or appropriate at this point. I understand that the Executive plans to consult further on that issue, but the committee has certainly heard evidence from a number of agencies, trade unions and local authorities saying that they believe that the establishment of such an agency is entirely inappropriate and that there could be joint working anyway. I would be interested in your views on the establishment of such an agency. Do you think that there needs to be further consultation or do you think that the Executive is right not to include such a provision at the moment?

Glyn Morgan: We certainly would not rule out the possibility of introducing a common fire and rescue services agency. Whether that is a separate body with its own structure is another question, which might be subject to consultation. It is certainly worth proceeding with further consultation. As I mentioned, there are areas of the service where collaboration has not been as effective as it might have been. In procurement, for example, it is difficult to get all eight fire authorities to work together or to get authorities to devolve responsibility to another authority for delivering something by taking a lead.

It may be possible that, rather than having a separate body, we could have a lead service that would take on functions such as payroll. We certainly would not rule that out, because it seems that economies of scale could be realised through that type of joint working. They might not be the economies of scale that are envisaged, because whatever arrangements are in place there would still need to be local administrators available to implement the systems on the ground. A lot

would depend on how well brigades work together under voluntary arrangements. As I said, it is a case of waiting to see how well they work together, but we need to have the facility to introduce something—or to impose it, if need be—to make authorities

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work better together, short of amalgamating or combining brigades.

Karen Whitefield: At last week's meeting, COSLA witnesses raised concerns that creating a common fire and rescue services agency would set up a new bureaucracy, which might hinder the service, rather than aiding it. They provided examples to illustrate their point. They were aware, for example, that Lothian and Borders fire brigade had purchased uniforms jointly with other brigades. That had allowed for a cost saving, as unit costs were reduced, given the number of uniforms being bought. They suggested that such projects could be undertaken in cases of different fire authorities working together, so as to save money and deliver the best service. It is about getting the balance right by allowing such joint initiatives without necessarily having a bureaucracy that needs to be staffed and whose running incurs costs, which would take away from the development and resourcing of services. How would you respond to that view?

Glyn Morgan: I referred to the possibility of having a lead service, which would do exactly what you say and take over responsibility for procurement. Joint working groups could perhaps be established among authorities without requiring a new bureaucracy. That sort of arrangement can work on a voluntary basis. However, history has shown that we have not been particularly good at that in the fire service. Over the past seven years or so, and certainly since the review of police and fire service structures in 1999, there has been an increased expectation that brigades will work together in such ways. Ministers gave out a strong message in 1999 about working together better, with the implication being that if brigades did not do so, they would find themselves amalgamated.

Some progress has been made, but I am not convinced that we have been working together as effectively as we might. Perhaps the framework document will enforce that need. There is scope to work together better. We are not sure whether that needs to be imposed or whether a common fire and rescue services agency is necessary for that. There are examples of where services can work together well, but there needs to be a stronger message that they need to do so.

John Russell: Sending out the message that the Scottish brigades should collaborate and work together would be sufficient at this point. There is very good evidence that brigades are working together in such areas as contingency planning, joint procurement and community safety development. There is a range of issues on which the eight brigades are working very well together. It is a lot easier in Scotland than it is in England, where there are 50 brigades. The issue of joint working is also relevant down south. In Scotland,

however, I think that the eight brigades would be capable of getting together, developing a service and collaborating with one another.

Maureen Macmillan (Highlands and Islands) (Lab): Perhaps you could give us your views on the report by Mott MacDonald, which suggested reducing the number of fire control rooms to one, two or three. You will possibly have heard the evidence from previous weeks. Most witnesses were not in favour of what Mott MacDonald suggested. In fact, they were not terribly happy about the way in which Mott MacDonald had gone about gathering its evidence. Do you see any potential benefits from reducing the number of control rooms?

Glyn Morgan: That has been a contentious issue in the service throughout the United Kingdom for some time. Reducing the number of control rooms is not something that we would rule out. Indeed, as far as resilience is concerned, we think that the structure of control rooms needs to be examined. The Strathclyde control room deals with half the population of Scotland. Could any of the other control rooms take over that function, should the Strathclyde control room not be available? It may be that economies of scale could be made through reducing the number of control rooms. The service has expected some change for a few years now.

Our control room members have been consulted on the issue and they would not automatically defend the retention of the status quo. There is support for change and they can see that there might be some benefit. We would not comment on what the optimum number of control rooms might be. Provided that there is a proper business case behind whatever is proposed and that resilience issues are covered, change could be sold to the service. Our main concern is that staff should not lose their jobs; you would expect us, as a trade union, to say that we do not want any redundancies to result. If it turns out that there is a surplus of staff after amalgamation, there are other roles that staff can perform. Their role can be enhanced with other skills, perhaps by giving them training in community fire safety. Presumably, in that case, they would also have a standby function as control operators and there might be scope to utilise those resources elsewhere.

The argument about local knowledge raises its head regularly, but we find it difficult to accept, given that there have been changes in the control room set-up over the years. Many years ago, the control function was down to the watch room in each fire station. When that changed and centralised controls were created for each brigade, it was argued that local knowledge would disappear. The change happened, but we do not seem to have had major difficulties. Any change

would have to be properly resourced and if any new controls are established, they will need the support of a proper infrastructure with systems, such as global

positioning systems and geographic information systems, that give the information that would otherwise be available through local knowledge. The concerns must be addressed by proper resourcing of the system that supports arrangements. We do not rule out or oppose change for the sake of it. However, any change must be based on a sound business case and, given recent events, resilience issues must be tackled.

Maureen Macmillan: That is a full answer. You seem to think that the idea that local knowledge is necessary has been overstated. Other witnesses have said that although the control rooms in, for example, Strathclyde and the Highlands and Islands cover wide areas, local knowledge has built up over the years and there would be gaps in knowledge if there were only one or two control rooms in Scotland. Several years might be needed to build up such knowledge, and global positioning system technology might not be good enough to cover that.

Glyn Morgan: As I said, those arguments have been used, but there are examples of control rooms and facilities being merged and it does not appear that a problem has been produced. If there is sound evidence, it must be considered, but we have not seen anything other than the perception of a problem.

Maureen Macmillan: So it is a perceived problem rather than an actual problem.

Glyn Morgan: We consider that the case for changing the number of control rooms should be based on evidence. If the evidence shows that local knowledge is an issue, that should influence the decision. However, I have not seen anything concrete that would stand in its way and in past amalgamations there do not appear to have been serious difficulties due to lack of local knowledge.

Mike Pringle (Edinburgh South) (LD): We have heard some conflicting views on charging. The Chief Fire Officers Association, which said that it charges for training and other things, thought that the provisions in the bill might be a bit restrictive. The Fire Brigades Union was very much against charging; it said that the bill was vague and lacked clarity on the issue. Does the Fire Officers Association have a view on whether we should charge, how we should charge and what we should charge for?

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John Russell: I will answer with respect to fire safety legislation. For example, we know that there will be a loss of income from fire certification and

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the amendment of fire certificates when the new legislation comes into force and the Fire Precautions Act 1971 is superseded.

Currently, developers, architects and various others can ask for information and advice, often in respect of substantial developments in which there are fire-engineered solutions. Architects, developers and consultants often pass on to a client or a third party a consultation charge for advice that has been gained from the fire brigade for free. When such a charge is levied, we think that it would be right and proper for the fire service to be reimbursed the costs of providing that advice, just as we are for providing other special services.

We must consider how we will deal with the loss of income from fire certification and the amendment of fire certificates. We must also consider how we will enforce the new legislation. We have talked about what is in the legislation, but another issue is how we will resource its enforcement and how we will capacity build to be able to inspect and enforce the legislation effectively and efficiently. Chief officers are looking at offsetting that with revenue generation. Reimbursement of costs that have been incurred by the fire service is right and proper. If revenue from charging is used to bolster the capacity to deliver the aims and objectives of the bill, that is all well and good.

Mike Pringle: You raise an interesting issue, which I do not think has been raised before. I am sure that the Executive will take note of your comments, in particular in relation to developers and architects. How do you see charging happening across Scotland? Do you envisage there being an agreement about fixed charges, or would you leave it up to each fire brigade to decide on its charges? You referred to architects. Are there any other areas that you think are relevant to the information on charging?

John Russell: There are a number of areas in relation to which we can currently levy a special service charge. It would be simple for the eight brigades to get together and agree what the charges would be for the provision of equipment, resources, the time and expertise of operational officers, operational equipment or the advice of specialist fire safety officers. The eight brigades in Scotland are capable of getting together and agreeing a scale of charges that would be reasonable for the services that are provided.

The Convener: For the avoidance of doubt, the Executive has indicated that it would, by statutory instrument, detail the circumstances in which charges would arise and the persons against whom they would be levied. If that is done in the form of a statutory instrument, it will have to go

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through the parliamentary process. Would that reassure you to some extent?

John Russell: Yes. I think that that is the case.

Glyn Morgan: In many aspects, the devil of the bill will be in the detail; I see the bill as an enabling document. In the drafting of statutory instruments that are

made under the legislation, and any guidance that is issued, it is important that there is consultation. For example, in relation to charging, the detail of who is charged and exactly what they are charged for will have to be agreed. It is difficult to envisage all the circumstances that might arise. The service has made charges for services over the years, so we do not see a fundamental problem in having a charging regime.

An issue that has been raised before in the committee is that of repeat offenders in terms of automatic fire alarms. There is a desire to have the power to impose a penalty on people who deliberately refuse to maintain alarm systems. That provision should exist, but the guidance on how it would be used would be important. There is a fear that people might just turn off alarm systems to avoid a penalty. Careful consideration would need to be given to how such a provision might be applied, but it would be worth including in any scale of charges.

The Convener: I remind members that we have the minister coming later. Without hassling individuals, I ask that members keep their questioning as crisp as possible. I am sure that our witnesses will co-operate by being as brief as they can in their responses.

Colin Fox (Lothians) (SSP): I am sure that it is a coincidence that you say that just as I am about to speak, convener.

I take my cue from what Glyn Morgan just said about the devil being in the detail. A lot of witnesses have told us that the bill is restricted by the lack of a national framework document to run in tandem with it. Do you agree with that? Is the Fire Officers Association looking for anything specific in the national framework document?

Glyn Morgan: We do not have a problem with the bill as it stands in so far as it empowers or enables services to perform the duties that they need to perform. However, as you rightly say, the framework will define better what is in the bill.

I presume that the framework document will contain a set of expectations and anticipated outcomes that the service is working towards. We would like to see those in there. A consistent approach and a consistent set of outcomes and expectations would be useful for the service. How those are delivered in each fire authority is not the issue; the issue is whether we are all working towards the same objectives. Given the fact that

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the core functions of a fire and rescue service are pretty much the same anywhere in the world, not only in Scotland, we should be able to work towards a common set of objectives. I imagine that those will be defined by the framework document.

Colin Fox: Do you think that what will be in the framework document is already largely understood and out there?

Glyn Morgan: It is, but I am concerned that service development is not particularly well integrated. There are often groups working in isolation throughout the UK that do not tie up particularly well. For example, in some of the equalities work that has been going on, different groups have been working towards the same objectives without communicating. It is hoped that having the organisation laid out within a framework will help to avoid fragmentation and enable those in the service to see the common areas, participate in joined-up thinking and demonstrate a joined-up approach. We are concerned that there is not always communication between the groups that are working around the country.

John Russell: The bill is quite vague on the fire safety legislation requirements—

The Convener: Excuse me for interrupting, Mr Russell. Fire safety is a specific area that one of my colleagues wants to ask about. Could you reserve your comments until we reach that subject? My colleague has several questions about that issue.

John Russell: Yes, I will do that.

The Convener: Does Colin Fox have any further questions?

Colin Fox: I was crisp and succinct, and I am now finished.

The Convener: Thank you very much indeed.

Jackie Baillie: I will be equally succinct. The bill proposes to abolish the Scottish Central Fire Brigades Advisory Council. Do you agree with that? Would you replace the council and, if so, with what?

Glyn Morgan: We do not think that the Scottish Central Fire Brigades Advisory Council arrangements have worked particularly effectively over the years. We have had only limited involvement with the council, but we feel that it does not seem to have produced. It is not especially dynamic and it is not project based. When there has been an issue, the council has tried to deal with it and produce an answer, but many issues have dragged on for years and years. In practice, the council probably amounts to no more than a talking shop.

We agree that the council should be replaced with something else that might be more

productive. The practitioners forum approach that has been adopted in England and Wales has been going for about a year now. We are part of that and consider it an effective way of making progress. The key stakeholders are involved at high level, and the task-and-finish group approach to dealing with issues is project based. We feel that the bringing together of practitioners is the way in which Scotland should proceed. There are people with the skills and knowledge to work together and come up with answers within a defined timescale.

As I think I mentioned earlier, the fire service is pretty much the same throughout the UK, so many of the issues that arise are the same throughout the UK. We would therefore support a joined-up approach through an agreement with practitioners in the rest of the UK to share in the practitioners forum. Some specifically Scottish issues will arise—for example, the legislation and regulations on fire safety are different in Scotland from those in the rest of the UK. Such issues might be dealt with by a standing group on Scottish affairs.

We try to avoid duplication wherever possible. Many of the groups and bodies in the English and Welsh practitioners forum are the same groups that would be involved in a Scottish practitioners forum, or in whatever advisory body is established. In service development, we would favour as consistent an approach as possible across the UK. For example, it is proposed to have a standing committee in England and Wales on health and safety, and we would see no good reason for having a separate health and safety committee for Scotland or for Northern Ireland. Safety issues are pretty much the same in all areas, so collaboration would be useful in allowing a consistent approach.

As I said, the way forward will be to have a task-and-finish approach to dealing with issues, and to come up with project-managed solutions.

Mike Pringle: The prohibition on the employment of police, which is described in section 47, reinforces the measures in the Fire Services Act 1947. The Chief Fire Officers Association wants that section to be removed entirely, whereas the Executive and the Fire Brigades Union suggest that the roles of a police officer and a fire officer conflict. Do you think that the section should be removed? If it is removed, how would you resolve the possible perception of conflict between the role of a fire officer and that of a police officer?

Glyn Morgan: We refer to that issue in our written response. Like the Chief Fire Officers Association, we support the removal of the provision. We have to consider the needs of remote communities in which the same people tend to want to serve the community in a variety of functions. It is often difficult to find people who are

willing to do that; we have difficulty in recruiting volunteers and retained firefighters in remote areas.

There should not be a conflict of interests, because I presume that people can do only one job at a time. If a police constable is off duty, I see no good reason why they cannot be a member of the retained service or a volunteer. When they are called out to a fire, they perform the role of a firefighter. Similarly, when they are called out on a police function, they work within the set of parameters that apply to police officers. We therefore think that, to provide community protection in remote areas, it would be helpful to take a more flexible approach and not to have section 47. We do not see a major conflict of interests.

Mike Pringle: I presume that such people's training as fire officers would help them in their police duties at a fire incident.

Glyn Morgan: I cannot remember the exact wording, but legislation implies that police officers have powers and responsibilities in dealing with a fire, in investigating whether there is a fire, and in protecting safety in a fire situation. We are concerned that police officers do not have the training to deal effectively with fire matters. Indeed, police constables who have entered premises have sometimes ended up being rescued themselves. If they were performing a dual role, the fire officer training that they would receive would benefit them in the other role that they play and perhaps allow them to operate more safely.

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Maureen Macmillan: I will now ask that question on fire safety. You did not raise any specific concerns about part 3 in your written evidence, but when you were about to talk about the issue earlier, you used the word "vague". Is there sufficient clarity in the bill about the respective duties and responsibilities of employers and fire authorities?

John Russell: We very much support the overall aims and objectives of the bill's fire safety provisions. We believe that the detail will be laid out in regulations and guidance on fire safety provisions in specific premises, although we have yet to see any draft versions. However, we know that the Office of the Deputy Prime Minister has been working on a suite of documents in that respect. Most people are aware that there will be difficulties in writing the regulations and guidance over to Scotland, where building regulations—and, indeed, the legal system—are different. Some other fundamental differences will also have to be taken into account.

Overall, any legislation should be enforced on a UK basis. Some of the detail in the bill's fire safety provisions could be improved and we hope that we can feed some of those improvements into the process. We are quite happy to provide the committee with a detailed list of the sections of the bill in which the wording could be improved.

The Convener: It would be helpful if that could be done by letter.

Maureen Macmillan: So you would want to see the proposed regulations and guidance before the bill was passed.

John Russell: We need to be assured that there will be on-going dialogue and consultation with the fire service in Scotland to allow us to inform and shape regulations and the guidance on specific fire safety provisions within premises.

Maureen Macmillan: Some witnesses were concerned that the provisions on the relationship between employers and employees did not cover all the possible relationships within a premise. For example, franchisees or self-employed people could be there. Does that wording need to be improved?

John Russell: We share some of the concerns that have been expressed. As an ex-enforcing officer, I know that it is sometimes difficult to decide who the responsible person is. We would welcome any improvements to the wording of the bill that would aid clarity and give us wider powers to identify the right and proper person on whom enforcement action should be taken. Enforcement has proved to be almost impossible a number of times in the past. For example, as quite a few employers do not reside in the UK, it can be difficult to trace the right and proper person on whom to take enforcement action.

Moreover, as many premises have registered persons or licensees, it would make sense to be able to take enforcement action against them in certain cases. In any event, there is room for us to examine the matter closely and ensure that any loopholes are dealt with.

Maureen Macmillan: That is helpful.

Concerns have been expressed about the co-ordination and duplication of effort between fire authorities and local authorities in, for example, the regulation of houses in multiple occupancy, licensed premises and care homes. Is there any possibility of duplication or conflict in that respect?

John Russell: We have no concerns about that whatever. In fact, the bill has been drafted to remove any such conflict or duplication; a large number of legislative and statutory provisions that have small fire safety elements have

been taken and put together in one bill. In effect, enforcement of the legislation will be far easier and communities will be better protected.

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As you rightly say, fire safety in HMOs and care homes is dealt with in other legislation, but those fire safety provisions invariably contain a requirement to consult the firemaster; the firemaster already provides guidance on fire safety. The bill will enable us to do that better and will avoid duplication, because anyone who wants to know what the fire safety provisions are will know to come to the one-stop shop of the fire authority.

Maureen Macmillan: What you say is interesting, in that it conflicts with other evidence that we have had.

John Russell: Do you want an example of how the HMO legislation operates?

The Convener: Briefly.

John Russell: Glasgow has a large number of HMOs. The fire service reports on fire safety within HMOs and submits reports to the enforcement team. In effect, if we have responsibility for all buildings and premises, as described in the bill, we will be carrying out inspections of HMOs, which, invariably, are classified as high risk. That means that we will be in the premises more often and that we will be able to report back more effectively and more quickly to the local authorities and to give them better advice. The fire service will be a one-stop shop for owners and occupiers—they will know whom to consult.

The situation is not really any different at the moment. The Civic Government (Scotland) Act 1982, for example, requires the firemaster to be consulted before an HMO is licensed. The fire service provides the necessary fire reports.

Jackie Baillie: My understanding is that there would need to be HMO inspections as well as the fire inspections, so there would be duplication. You say that the present system works. Is there a way of strengthening the existing system rather than tearing up the legislation and starting again?

John Russell: I said earlier that the thrust of the bill is to put everything to do with fire safety in the one piece of legislation. That aim is right and proper and it is supported by the FOA.

At the moment, HMOs are inspected by a team, which could contain a fire officer. That fire officer—either as part of the team or individually—reports on the fire safety precautions, so the bill would not mean that there would be any duplication. Through the HMO team and the licensing provisions, the fire officer reports and gives advice on fire safety. That would continue.

Jackie Baillie: Alternatively, the system could be left as it is and the present inspections could continue.

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The Convener: Are you asking the witness to clarify the situation?

Jackie Baillie: Yes.

John Russell: The present arrangement causes confusion; some people go to the local authority for advice on HMOs, because local authorities have overall responsibility for licensing. However, the local authority cannot give an answer on fire safety provisions; it checks with the fire authority, which passes on that information. The system that is outlined in the bill would speed things up and provide a more direct route for people to obtain advice on fire safety provisions.

Karen Whitefield: The 1947 act includes arrangements for the firemaster to report to the fire authority, but the bill does not include similar arrangements. The committee has heard from a number of witnesses that they feel that such arrangements are necessary and that they allow for better democratic control of, and involvement in, the fire service. What is your view on that?

Glyn Morgan: The firemaster is an employee of the fire authority, so surely the authority would define what was expected in the job description for the firemaster's post.

The reporting to the authority does not need to be specified in the bill. I find it difficult to believe that a fire authority would employ a firemaster without imposing conditions on what they are responsible for, when they report and how they report. I do not consider that to be a major issue that needs to be defined in statute; the terms of employment would cover it.

Mr Kenny MacAskill (Lothians) (SNP): I have two brief points. Karen Whitefield and Maureen Macmillan both asked you about Mott MacDonald and control rooms. Given that the SCFBAC produced reports indicating that the number of control rooms should stay at eight, why are you now suggesting that a reduced number might be acceptable?

Glyn Morgan: It was considered that the current arrangements might not provide the resilience that we need to deal with the removal of a resource as large as the one that Strathclyde has, for whatever reason. For example, could Dumfries and Galloway's control room take over the function of Strathclyde, or what arrangements would be put in place to share the function?

The system works okay as it is now, so if there is evidence that it is resilient enough, there is no need to change. Perhaps economies of scale will be realised through reducing the number of control rooms. It comes down to balancing the

books of the fire service. The service considers many areas to be under-resourced at the moment, and we are trying to develop and enhance our role so that any

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savings can be redirected into areas of high priority for us, but it is not for us to determine the best arrangements—that is a decision for the Executive and the fire authorities. If it is considered that things are fine as they are, we are okay with that.

Mr MacAskill: How many members do you represent? Given that we have the FBU, what percentage of the fire service do you cover?

Glyn Morgan: I do not want to get dragged into a numbers game, because numbers have been used mischievously between other representative bodies. We represent a significant proportion of middle managers in Scotland—perhaps around 20 per cent—and they are the main group with whom we deal, although we have members in other areas of the service. That number is rising, and has been rising over the past few years. We consider that we are a significant stakeholder.

The Convener: Do members have any concluding points to raise with the witnesses? Mr Morgan, would you or Mr Russell like to make any concluding points?

Glyn Morgan: No, I am okay.

The Convener: On behalf of the committee, I thank you for joining us and for co-operating in getting us through the session efficiently and swiftly.