



Fire Brigades Union Scotland

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Linda Smith
Assistant Clerk to the Public Petitions Committee
Scottish Parliament
Edinburgh
EH99 1SP

Monday, June 15, 2009

Dear Linda Smith

Consideration of Petition PE 1254

Thank you for your letter of 4 June 2009 seeking our views on Petition PE1254 and its relationship with section 51 of the Fire (Scotland) Act 2005.

The FBU position in relation to this matter remains as it was during the committee stages of the Fire (Scotland) Bill and we believe that the current section 51 of the Act is correct and should remain unaltered.

The primary reason is as discussed in the Stage 1 Report of the then Bill, in particular section 62(enclosed) in which the FBU, supported by ACPOS outline the potential conflict of interest for an individual called to an emergency incident by both employers, i.e the Fire Service and the Police.

The availability of members working the Retained Duty System depends on the individuals' personal circumstances and the co-operation of their primary employers. Someone employed as police constable, even as a special constable would not be available for fire emergencies during time spend in police service. This might include special events or protracted incidents where both services are in attendance.

We believe the restriction put in place by section 51 is reasonable in its intent, limited in its scope and does not present a major impediment to most members of the public wishing to serve in either service. The FBU as the representative of the vast majority of all fire service personnel would therefore hope to see the current section of the Act remain un-amended.

Yours sincerely



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Justice 2 Committee
8 th Report, 2004 (Session 2)
Stage 1 Report on the Fire (Scotland) Bill

Powers of Employees and Constables

61. Section 24 sets out the powers of constables in relation to fires. Section 47 prohibits fire authorities from employing a member of a police force. We heard two concerns about these sections. First, section 24 (which continues existing powers) might be seen to encourage police officers to tackle situations for which they are inadequately trained: FOA commented that “police constables who have entered premises have sometimes ended up being rescued themselves”.⁴⁵ Second, section 47 was seen as unnecessarily restrictive in some rural areas where it is difficult to recruit retained or volunteer firefighters and where it is common for one individual to carry out a number of roles. CFOA, FOA, COSLA and RFU all wanted to see the restriction on employing police officers lifted. RFU pointed out that rural police officers often take on other emergency service roles such as mountain rescue and lifeboat work.⁴⁶ FOA also pointed out that a police officer who was a trained fire officer would not have the same difficulty in using their powers under section 24.
62. However, the FBU – with support from ACPOS - felt that if serving police constables were carrying out emergency fire service duties, there could be confusion about which role to adopt in an emergency situation. They also felt that the impact on rural recruitment would be negligible.
63. The Minister recognised the concerns expressed on both sides and indicated willingness to explore possible solutions with stakeholders and bring forward an amendment at Stage 2 if a resolution is found.⁴⁷
64. **The Committee also recognises that there are valid arguments on both sides and we are content at this stage to await the results of the Minister’s further discussions.**