



**Chief
Fire
Officers
Association
Scotland**



**THE CHIEF
FIRE OFFICERS
ASSOCIATION**
The professional voice of the
UK fire and rescue service

16 June 2009

Our Ref: DJD-CFOAS_LET-01-160609-ck

The Scottish Parliament
Public Petitions Committee
TG.01
Edinburgh
EH99 1SP

For the attention of Linda Smith

Dear Linda

Consideration of Petition PE1254

I refer to the above petition calling on the Scottish Government to amend section 51 of the Fire (Scotland) Act 2005.

During the committee stage of the Fire (Scotland) Bill, CFOAS made a submission to the Justice 2 Committee that this provision be removed from the legislation. The position of our Association has not changed as there are potential challenges in the more remote rural and island communities across Scotland in finding suitable applicants for the role of volunteer or retained duty firefighters and special constables.

A statutory bar on employment that potentially mitigates against the provision of essential emergency services, seems inappropriate and contrary to the principles of the Concordat between Scottish Government and CoSLA in terms of 'micro managing' the delivery of local government services.

CFOAS would support the repeal of Section 51 with the following proviso.

A memorandum of understanding (MOU) should be developed between ACPOS and CFOAS to clarify principles of operation and potential conflict of interest / primacy regarding specific responsibilities / roles at incidents. The MOU should also set out which 'employing authority' has the primary claim on the individuals' services although that may be better determined at a local chief officer level dependent on circumstances.

Some exploration of other employer responsibilities, for example recording working time and rest periods under The Working Time Directive, would need clarification as emergency services are not exempt from that legislation other than in very restricted circumstances.

Yours sincerely

**David Dalziel
Secretary CFOAS**