

NORTH WALES FIRE AND RESCUE SERVICE

FIRE AUTHORITY REPORT

DATE:	21 st March 2005
REPORT BY:	CHIEF FIRE OFFICER
PURPOSE OF REPORT:	To brief Members on the current and proposed positions regarding the Service's commitment to attending incidents at sea.

1. INTRODUCTION

- 1.1 The Fire & Rescue Services Act 2004, Sections 7 to 9, indicates that a Fire & Rescue Authority has a statutory responsibility to ensure a response is made to emergency incidents within its area. This includes vessels in port or alongside in port.
- 1.2 Within the same Act, Section 20 states, 'If a Fire and Rescue Authority has power to act, or is required to act, outside the authority's area, the authority may exercise the power, or perform the duty, at sea or under the sea.'
- 1.3 On the basis of the statutory provision and discretionary powers indicated in the Act, and the 1947 Act before it, the Service has, for some considerable time, declared itself as an asset to the Maritime and Coastguard Agency (MCA) to respond to incidents both outside and inside its statutory boundaries, when it is deemed appropriate to do so. This declaration is integral to the requirement of ensuring that Service personnel employed to discharge this function will be trained in accordance with the Integrated Personal Development System and National Occupational Standards, as well as being equipped and mobilised in accordance with agreed Service policy and procedures.
- 1.4 Where a response is being made to an incident at sea involving air or sea-borne transportation to a casualty vessel, only trained personnel from Holyhead, Rhosneigr, Llangefni and Amlwch Fire Stations are used.
- 1.5 Incidents involving vessels which are alongside in port in other parts of North Wales are responded to, as far as possible, by personnel who have received training in ship firefighting. This is supplemented, where required, by personnel from stations indicated in 1.4 above.

2. BACKGROUND

- 2.1 Some three years ago, a project team was raised to produce a national policy which would identify the strategic, tactical and operational requirements necessary, to enable a response to a firefighting, rescue, chemical or

environmental emergency, for which the intervention of the Fire & Rescue Service would be deemed appropriate.

- 2.2 Funding for the above has been, and continues to be, provided by the Department for Transport via MCA, who oversee the project.
- 2.3 Terms and Conditions relating to participation within the national strategy are currently in draft and it is expected that the final document will be ready for Chief Officer and Authority consideration, within the next few months.
- 2.4 North Wales Fire & Rescue Service is a member of a group of fifteen Fire & Rescue Services, known as the Maritime Incident Response Group (MIRG). Members are strategically located around the UK coastline.
- 2.5 As a result of this arrangement, North Wales Fire & Rescue Service will provide initial cover for an area of sea from Strathclyde to Mid & West Wales, both of whose Services are our next nearest MIRG members. As each MIRG Service will be equipped and trained to the same standard, the intention is that Services will support one another in the event of need.
- 2.6 The MCA, when notified of an incident at sea, which it feels may or will require the intervention of a Fire & Rescue Service, will only contact a MIRG member to request assistance.
- 2.7 Those Fire & Rescue Services, which have a coastal risk but are not members of MIRG, will undoubtedly place some reliance on members of MIRG to respond to vessel based incidents within their own statutory boundaries. This will be the responsibility of non-MIRG Fire & Rescue Services. Any such arrangement for mutual assistance will be formally agreed beforehand in compliance with the Fire & Rescue Services Act 2004 Section 13 – Reinforcement Schemes.

3. COST RECOVERY

- 3.1 Where the Service is mobilised to an incident at sea, for the purpose of firefighting, chemical, environmental or rescue operations, the MCA will act as agents on its behalf for the purpose of cost recovery. This policy will be incorporated within the Terms and Conditions Agreement.
- 3.2 Cost recovery in this regard, relates to reasonable salary costs incurred for the duration of the incident, repatriation of personnel back to North Wales and replacement or repair of equipment used.
- 3.3 Where the Service is mobilised to an in shore incident within the area of another Fire & Rescue Service, at that Service's request, involving personnel specifically trained under MIRG requirements, the issue of cost recovery will be between the Services involved, as is the current situation.
- 3.4 However, Members will be aware that no order has yet been made by the Assembly under section 19 of the Fire & Rescue Services Act 2004. Therefore the ability of the two MIRG listed Welsh fire authorities to recover costs in respect of these incidents may be in doubt.
- 3.5 Where the Service is mobilised to an incident within its own statutory area, the existing policy relating to cost recovery will apply. The North Wales statutory

responsibility in terms of area has been discussed with MCA and this demarcation has been used to determine what is 'at sea' and what is 'in shore'.

- 3.6 Broadly, 'at sea' relates to the area of water beyond the mean low water mark. The low water mark is defined as being 'that part of the shore to which the waters recede when the tide is the lowest'.

4. RESOURCE COSTS

- 4.1 The MCA's funding mechanism includes covering the cost of all training incurred by MIRG Services in relation to Helicopter Winching, Ditching and Cold Water Training. It also covers procurement costs relating to personal protective equipment for transportation of personnel between land and casualty vessel.
- 4.2 All other aspects of costs relating to the 'At Sea' role continue to be borne by North Wales Fire & Rescue Service. This would be a necessity in any event, because of its statutory responsibility.
- 4.3 Currently, expenditure incurred by the Service in order to maintain competencies of personnel and specialist equipment is in the region of £25K per year. Participation as a member of MIRG will reduce the costs of competency maintenance as this forms the bulk of the Service's annual expenditure.

5. INSURANCE

- 5.1 Service personnel trained to respond to incidents at sea are covered by the Service's insurance provision to either 10 X Annual Salary or a maximum of £500,000 per person. Conditional to this is a maximum claim against the policy of £12 million for any one incident. As a result of this, the Service has limited the maximum number of personnel permitted to be on a casualty vessel at any one time to 24. Additional insurance cover is provided for Service personnel travelling in helicopters during the 'At Sea' role. This cover is for a total of £4 million, resulting in no more than 8 Service personnel travelling at any one time.
- 5.2 The insurance cover mentioned here relates to training exercises and events as well as responding to emergency operational incidents.
- 5.3 Currently, the Fire Brigades' Union is challenging the personal insurance provision of those Services who provide an 'At Sea' response. In effect, it is demanding £1 million cover for each of its members who form part of a response team. To meet this demand would significantly increase the insurance premiums paid by each Service, including North Wales.

6. RECOMMENDATIONS

- 6.1 That Members note the contents of this report.
- 6.2 That Members give support, in principle, to the Service's proposed membership of the Maritime Incident Response Group, subject to receiving and considering the MIRG Terms & Conditions Agreement when finalised.
- 6.3 That representations are made to the Welsh Assembly Government to expedite an order under section 19 of the Fire and Rescue Services Act.