



AGENDA ITEM: 5

NORTH WALES FIRE AND RESCUE AUTHORITY

2 December 2014

RESPONSE TO NON-STATUTORY INCIDENTS

Report by Richard Fairhead, Assistant Chief Fire Officer

Purpose of Report

- 1 To provide members with requested information on the potential implications of ceasing to respond to incidents that fall outside the statutory functions of the Fire and Rescue Authority.

Background

- 2 Core functions of a Fire and Rescue Authority (FRA) are set out in the Fire and Rescue Services Act 2004.
- 3 Sections 7 and 8 of that Act specify core functions as regards firefighting and road traffic collisions.
- 4 Section 9 of that Act makes provision for Welsh Ministers to specify other core functions relating to emergencies for which fire and rescue authorities must also make provision. These other core functions are set out in the Fire and Rescue Services (Emergencies)(Wales) Order 2007.
- 5 The relevant sections of the 2004 Act and the 2007 Order are provided for reference in Appendix 1.

Information

- 6 North Wales Fire and Rescue Authority (NWFRA) currently provides resources and trained personnel to deal with some categories of incident which are outside the defined core functions. The costs associated with responding to these incidents are met from the Authority's revenue and capital budgets.

- 7 The incidents that are outside the defined core functions include water rescue, line rescue and large animal rescue. The revenue cost to the Authority of providing the equipment, specialist training and responses to these incidents amounts to around £91,000 per year.

Water Rescue

- 8 High profile incidents in this category in recent years have included widescale flooding in St. Asaph in 2012 and tidal surges in Rhyl and Barmouth in 2013/14.
- 9 During these incidents and at national training events, officers have worked closely with fire and rescue service colleagues from the other Services in Wales and with other agencies, for example the Royal National Lifeboat Institution (RNLI), to develop an interoperable and resilient capability which forms part of a National Asset Register.
- 10 In 2013 North Wales Fire and Rescue Service invested £360,000 of its own capital to introduce four purpose-built water incident appliances. This is in addition to the equipment already provided to the Service by the Welsh Government.
- 11 Water rescue is carried out by crews based at all 44 fire stations in North Wales. Specialist, more highly trained crews, are based at Bangor, Betws y Coed, Ruthin and Deeside.
- 12 The incidence and estimated costs of providing personal protective equipment, operational equipment, training and staff pay for attending water incidents are shown in the table below:

Year	Total water-related incidents attended	Total incidents involving water rescue	Estimated associated costs
2012/13	352	75	£85,865
2013/14	65	36	£77,520
2014/15 (year to date)	44	20	£75,234

Rope Rescue ('Line Rescue')

- 13 Officers are aware that this service is duplicated by alternative providers with skills in this type of rescue work. This includes local mountain rescue teams and HM Coastguard cliff rescue teams.
- 14 Specialist rope rescue crews are based at Colwyn Bay fire station only.
- 15 The incidence and estimated cost of providing personal protective equipment, operational equipment, training and staff pay for attending rope rescue incidents are shown in the table below:

Year	Total incidents involving rope rescue	Estimated associated costs
2012/13	6	£7,664
2013/14	5	£7,476
2014/15 (<i>year to date</i>)	2	£8,510

Large Animal Rescue

- 16 Specialist large animal rescue crews are based at Colwyn Bay fire station only.
- 17 The incidence and estimated costs of providing personal protective equipment, operational equipment, training and staff pay for attending such incidents are shown in the table below:

Year	Total incidents involving large animal rescue	Estimated associated costs
2012/13	16	£9,742
2013/14	10	£7,901
2014/15 (<i>year to date</i>)	2	£7,906

Identified Risks

- 18 There are generic risks associated with ceasing to undertake water rescue, rope rescue and large animal rescue which include:
- a) dissatisfaction and adverse publicity because people have come to expect these services from North Wales Fire and Rescue Authority;
 - b) political pressure;
 - c) legal challenge and potentially having to defend against claims against the Authority for non-attendance;
 - d) challenge from the representative bodies.
- 19 In the context of the budget setting process for 2015/16 it should be noted that the cashable savings produced from ceasing to provide line rescue and large animal rescue is minimal (£8k each) and it is more of a symbolic decision.
- 20 The savings available from stopping water rescue could be in the region of £75,000 per year, but the decision would attract far more criticism from the public and has not formed a specific part of the current public consultation exercise.

Recommendations

- 21 That North Wales Fire and Rescue Service should no longer provide a response to rope rescue incidents and large animal rescue incidents.
- 22 That North Wales Fire and Rescue Service should continue to train and provide a response to water incidents, whilst exploring the possibility of developing the capability of partner agencies to undertake this work.

FIRE AND RESCUE SERVICES ACT 2004

7 Fire-fighting

- (1) A fire and rescue authority must make provision for the purpose of—
- (a) extinguishing fires in its area, and
 - (b) protecting life and property in the event of fires in its area.
- (2) In making provision under subsection (1) a fire and rescue authority must in particular—
- (a) secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements;
 - (b) secure the provision of training for personnel;
 - (c) make arrangements for dealing with calls for help and for summoning personnel;
 - (d) make arrangements for obtaining information needed for the purpose mentioned in subsection (1);
 - (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose mentioned in subsection (1).

8 Road traffic accidents

- (1) A fire and rescue authority must make provision for the purpose of—
- (a) rescuing people in the event of road traffic accidents in its area;
 - (b) protecting people from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic accidents in its area.
- (2) In making provision under subsection (1) a fire and rescue authority must in particular—
- (a) secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements;
 - (b) secure the provision of training for personnel;
 - (c) make arrangements for dealing with calls for help and for summoning personnel;
 - (d) make arrangements for obtaining information needed for the purpose mentioned in subsection (1);
 - (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose mentioned in subsection (1).

9 Emergencies

- (1) The Secretary of State may by order confer on a fire and rescue authority functions relating to emergencies, other than fires and road traffic accidents in relation to which the authority has functions under section 7 or 8.
- (2) An order under this section may require functions conferred on a fire and rescue authority under this section to be discharged outside the authority's area.
- (3) An order under this section may make provision as to what a fire and rescue authority must or may do for the purpose of a function conferred under this section, and may in particular require or authorise a fire and rescue authority—
- (a) to secure the provision of personnel, services and equipment;
 - (b) to secure the provision of training for personnel;
 - (c) to make arrangements for dealing with calls for help and for summoning personnel;
 - (d) to make arrangements for obtaining information needed for the purpose of discharging the function;

- (e) to make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from discharging the function.
- (4) An order under this section may confer a function, including a function of providing particular equipment, on a particular authority.
- (5) Before making an order under this section the Secretary of State must consult any persons he considers appropriate.

FIRE AND RESCUE SERVICES (EMERGENCIES) (WALES) ORDER 2007

Chemical, biological, radiological or nuclear emergency

- 2.**-(1) A fire and rescue authority must make provision in its area for the purposes of-
- (a) removing chemical, biological or radio-active contaminants from people in the event of an emergency¹ involving the release or potential release of such contaminants; and
 - (b) containing, for a reasonable period, any water used for a purpose mentioned in sub-paragraph (a).
- (2) In taking action for a purpose mentioned in paragraph (1) a fire and rescue authority must make arrangements for ensuring that reasonable steps are taken to prevent or limit serious harm to the environment.

Rescue and protection in case of certain emergencies

- 3.**-(1) A fire and rescue authority must make provision in its area for the purpose of rescuing people who may be trapped and protecting them from serious harm, to the extent that it considers it reasonable to do so, in the event of-
- (a) an emergency involving the collapse of a building or other structure; or
 - (b) subject to paragraph (2), an emergency falling within section 58(a) of the Fire and Rescue Services Act 2004 which-
 - (i) involves a train, tram or aircraft; and
 - (ii) is likely to require a fire and rescue authority to use its resources beyond the scope of its day to day operations.
- (2) Paragraph (1)(b) does not apply to provision for an emergency to the extent that it involves the collapse of a tunnel or mine.
- (3) In this article-
- (a) "structure" ("adeiledd") does not include a tunnel or mine;
 - (b) "tunnel" ("twannel") means a man-made passage;
 - (c) "mine" ("cloddfa") means a mine within the meaning of section 180 of the Mines and Quarries Act 1954².

Action required for purpose of functions conferred by Order

- 4.** In making the provision required by article 2 or 3, a fire and rescue authority must-
- (a) secure the provision of such personnel, services and training as may be necessary efficiently to meet all reasonable requirements;
 - (b) make arrangements for dealing with calls for help;
 - (c) make arrangements for obtaining necessary information; and
 - (d) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken pursuant to such provision.

¹ "Emergency" is defined in section 58 of the Fire and Rescue Services Act 2004. It is "an event or situation that causes or is likely to cause— (a) one or more individuals to die, be seriously injured or become seriously ill, or (b) serious harm to the environment (including the life and health of plants and animals)".

² 1954 c.70; relevant amending instruments are SI 1993/1897 and SI 1999/2024.