

FIRE AND RESCUE MARINE RESPONSE – IMPACT OF CHANGES IN TRAINING PROVISION

SUMMARY

- 1 Humberstone Fire Authority has no statutory duty to attend vessels on fire 'at sea' (outside of the Humber Estuary or beyond the low water mark), but the Authority does have a power to do so. The Service, along with a very small number of other FRS, do currently attend incidents at sea, as part of the Fire and Rescue Marine Response (FRMR) group nationally. However, recent restrictions on the provision of suitable training to the firefighters that volunteer to undertake that role mean that it is likely that we will have to stop attending incidents 'at sea' by August 2016. This paper explains the reasons behind that, and the steps being taken to try and resolve the issue so that we can continue to provide this valuable service.

RECOMMENDATIONS

- 2 (a) That Members endorse the steps being taken so far by Officers.
- (b) That Members receive a report at a future meeting of the Authority, prior to August 2016, with a further update of the position.

BACKGROUND

- 3 Section 72 of the Local Government Act 1972 confirms that the area of responsibility for Fire Authorities in England, Wales and Northern Ireland generally extend to the mean low water mark (MLWM) at ordinary tide. That may include estuarial waters up to a prominent water mark. Therefore the Authority does have a statutory duty to attend vessels on fire in the Humber, and is able to deliver that duty either by using fire tugs, or helicopters, as the means for transferring crews to the vessel.
4. The Fire Services Act 2004 Section 7 states that "A fire and rescue authority must make provision for the purpose of extinguishing fires in its area, and protecting life and property in the event of fires in its area". In addition to this 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." The 'at sea' area is any location within United Kingdom waters.
5. This forms the basis for the current Fire & Rescue Maritime Response (FRMR) Team's response and means that Humberstone Fire and Rescue Service currently utilise a number of our firefighters who have volunteered to attend incidents at sea to provide the firefighting and rescue service off our coastline and beyond our areas, both to the North and South. It is worthy of note that the firefighters receive no additional payment for being on call to respond, they only receive payments for carrying out the additional training needed and for attending actual incidents. The most recent incident they attended was the MV Elbetor on the 13th January 2016. The incident involved a serious fire in the accommodation area of the vessel that was transporting grain from Norfolk to Rotterdam. The vessel was anchored off the coast of Norfolk. Twelve fire fighters from Humberstone attended with the support of Bristows helicopters and the Cromer lifeboat.

6. Currently fires in vessels around the UK coastline are covered by nine Fire and Rescue Services responding to incidents that are under the control of the Maritime Coastguard Agency (MCA). The Services providing that response cover the UK in the following way:
 - Humberside – Norfolk to Scotland
 - Norfolk – Humberside to Kent
 - Kent – Norfolk to East Sussex
 - East Sussex – Kent to Hampshire
 - Hampshire – Cornwall to East Sussex
 - Cornwall – Hampshire and part of UK West Coast
 - Northern Ireland – Own area and part of UK West coast
 - Scotland – Own area to Humberside and part of UK West Coast
 - Jersey- Own area

7. **Previous training arrangements as part of the Maritime Incident Response Group, with RAF Search and Rescue (SAR)** - From 2006 to 2011 following an MCA led project to develop more formal Marine Response arrangements involving dedicated Fire & Rescue Services, the Service formed part of the Marine Incident Response Group (MIRG).

As part of these arrangements a MoU between the Ministry of Defence and the Maritime and Coastguard Agency existed to provide 7 hours of dedicated flying time along with winch training to each FRS that made up the UK FRS MIRG.

The Service has to date continued to provide a Marine Response despite the government's announcement to withdraw funding for MIRG from February 2011. This currently costs the Authority around £50k per year, but means that we are able to utilise both tugs and helicopters as the means by which we transfer firefighters to vessels within our statutory area as well as at sea.

However, due to the ending of the RAF involvement with SAR in 2015 the MoU's that were in place have now also come to an end leaving the Service with no formal agreement or funding for helicopter response training.

8. **Current Position** - The helicopter response used by the MCA was transferred from RAF SAR to Bristows during 2015. In the lead up to that, in November 2014, the Service was informed that Bristows would not be able to provide any flying time to train HFRS firefighters, or any other responding FRS nationally. However, advice in the same letter was to liaise with local contacts. Locally, in fact, the position remained the same as with the RAF SAR, and flying time, and winching operations, were still provided to train our firefighters.

9. In November 2015 those local arrangements ceased and the Service was informed that firefighters could only undertake familiarisation training (Ground Briefing and Cabin Briefing) and not undertake winch training or training flights. Given that the level of training which is now not being made available to us is, according to the MCA, aimed at "those likely to be involved in winching", and there is no way for firefighters to get from a helicopter to a vessel without being winched, Officers are of the view that we are likely to be forced to withdraw from attending incidents at sea by August 2016, which is the time that a significant number of our crews will be beyond the two yearly competence refresher that we deem to be appropriate.

10. This situation has been further exacerbated by an email on 11 February 2016, from our local Bristows contact, based at Humberside Airport, informing us that they have "put on indefinite hold any plans to support FRMR Team training". That meant that the training we had arranged for March 2016 was cancelled and there is no opportunity to train in even the limited areas they had previously agreed to. By August 2016 we will have too many of our volunteer firefighters requiring familiarisation with the new helicopters that they are using, regardless of resolutions around winching, to safely respond to fires at sea. More recently we have been

informed by the MCA that their view is that training can take place in the areas other than live winching, although at this time we have not had that agreed by Bristows.

IMPLICATIONS

11. The Humber Community Risk Register identifies a Medium Risk (HL34) of a “fire ... involving a passenger vessel in or close to UK waters”. Members should be aware that unless the training situation changes there will be no firefighting capability provided by this Service to mitigate that risk outside of the estuary. It is not known at this stage whether other FRS will be able to respond to incidents immediately outside of the estuary long term as the other five FRS which provide the UK response are facing the same training restrictions as we are and may also be considering their positions.
12. The Service will still be able to deliver the Authority’s statutory duty to respond to incidents in the estuary, although the transfer to the vessel will take place via tug rather than helicopter.

FURTHER WORK TO RESOLVE THE CURRENT POSITION

13. The Deputy Chief Fire Officer has raised this issue with the Local Resilience Forum, and as a result the Government’s Resilience and Emergencies Directorate are considering the impact.
14. The Deputy Chief Fire Officer has also raised the issue, and other issues related to the transport back from incidents for our firefighters (at the incident off Cromer our crews had to be taken back to land by the RNLI and the Service had to send two vehicles to drive down and pick them up as the helicopter would not bring them back to our area from the incident) with the national co-ordinator and the Chief Fire Officers Association lead officer for FRMR, and has requested a Strategic level meeting between Principal Officers from the nine Services currently providing an “at sea” response. The CFOA lead officer has arranged a meeting with the MCA and will be discussing the issues, and our Service position, with them on 15 April 2016. He is also endeavouring to arrange a meeting at Ministerial level to discuss the implications, and has agreed to arrange the Strategic meeting after those discussions have taken place. The issues are also on the agenda for the national FRMR meeting on 25/26 April 2016, attended by the Service Emergency Preparedness Manager, Station Manager Leake.
15. It is hoped that the meeting on 15 April 2016 will result in a change of position regarding the provision of training to our firefighters, and ideally the transport back from incidents, and that as a result we will be able to continue providing a response to vessel fires at sea. However if the position does not change Officers are of the opinion that the safety of our firefighters will be compromised by the lack of available training to such an extent that, as a result, we will reluctantly have to withdraw from providing a response to vessel fires at sea.

STRATEGIC PLAN COMPATIBILITY

16. The decision which may need to be taken is compatible with the Strategic Objective relating to a safe workforce.

FINANCIAL/RESOURCES/VALUE FOR MONEY IMPLICATIONS

17. If the Service withdraws its firefighting response to incidents at sea, there will be a recurring annual saving of around £50k.

LEGAL IMPLICATIONS

18. There will be no impact upon the ability for the Authority to discharge its statutory functions. There would be legal implications if we continued to provide the service without the appropriate staff training.

EQUALITY IMPACT ASSESSMENT/HR IMPLICATIONS

19. None arising directly.

CORPORATE RISK MANAGEMENT IMPLICATIONS

20. There is a risk to the organisation if we continued to deliver a service without the appropriate staff training.

HEALTH AND SAFETY IMPLICATIONS

21. The potential withdrawal from the delivery of a response to incidents at sea is based upon the Health and Safety issues related to not being able to provide appropriate staff training.

COMMUNICATION ACTIONS ARISING

22. If the issues are not resolved at the national FRMR meeting on 25/26 April 2016, or before, then the Chief Fire Officer & Chief Executive intends to write to key stakeholders, including local MPs, to inform them of the position.

DETAILS OF CONSULTATION

23. The staff who volunteer to provide the service have been consulted.

BACKGROUND PAPERS AVAILABLE FOR ACCESS

24. Correspondence with MCA and Bristows.

RECOMMENDATIONS RESTATED

25. (a) That Members endorse the steps being taken so far by Officers.
(b) That Members receive a report at a future meeting of the Authority, prior to August 2016, with a further update of the position.

C BLACKSELL

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