



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Policy and Strategy Committee

SECTION 13 AND 16 FIRE AND RESCUE SERVICES ACT 2004

Report of the Chief Fire Officer

Agenda Item No:

Date: 04 February 2011

Purpose of Report:

To update Policy and Strategy Committee on the provisions of Section 13/16 of the Fire and Rescue Services Act 2004 and the implications for Nottinghamshire Fire and Rescue Service.

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1. BACKGROUND

- 1.1 The concept of both mutual support and emergency provision has been enshrined in Fire Service legislation since 1947. Originally Section 2 and 12 of the Fire Services Act 1947, the concept was reinforced when the revised Fire and Rescue Services Act 2004 was introduced (Section 13 and Section 16)
- 1.2 Nottinghamshire Fire and Rescue Service (NFRS) has long standing arrangements in place with its neighbouring Services which were updated following the introduction of the new Act. These were notified to the Minister as per the requirements of the Act.
- 1.3 As NFRS and its neighbours seek ways in which to accommodate the significant shortfall in budget, it is felt by Chief Fire Officers in the East Midlands that the provisions of the Act could help in respect of collaborative and reciprocal support.
- 1.4 This report is intended to update Policy and Strategy Committee Members of the detailed provisions of the Act and how the Chief Fire Officer may seek to engage with neighbouring Services under those provisions.

2. REPORT

2.1 Section 13

Section 13 re-enacts the previous provisions of the Fire Services Act 1947 on reinforcement schemes and extended them to apply to road traffic accidents and other serious emergencies. Section 13 obliges Fire and Rescue Authorities to group together, so far as practicable, to provide mutual assistance. (If Fire and Rescue Authorities are unable to agree, Section 14 gives the Secretary of State power to direct).

2.2 Section 16

Section 16 extends powers to Fire and Rescue Authorities to enter into contractual arrangements with others (including other Fire and Rescue Authorities) to provide services in the execution of their functions. In respect of fire-fighting, this can only be delegated to another Fire and Rescue Authority or others that employ fire-fighters. (Section 17 contains the Secretary of State's provision to direct although these powers can only be exercised in the interests of economy, efficiency and effectiveness).

- 2.3 As explained in Paragraph 1.2 above, NFRS has some longstanding arrangements with its neighbouring Services that were updated following the introduction of the revised Fire and Rescue Services Act 2004. These have all been notified to the Secretary of State and were acknowledged.

- 2.4 As the Service moves forward in times of austerity, it is likely that the provisions of both Section 13 and Section 16 are going to become beneficial. This will particularly be the case when reviewing special appliance provision. In dialogue with neighbouring Services, there is likely to be greater collaboration and a wider acceptance of cross border support.
- 2.5 Additionally, as some Services review their operational provision, some of the existing arrangements may need to be reviewed. For example, some neighbouring Services are limiting their capacity for cross border working, which has an indirect impact on the local Service.
- 2.6 The Chief Fire Officer has existing delegations with regard to determining the provision of operational delivery and it is not intended in this report to recommend any changes to that delegation. However, as the provisions of the Act are the responsibility of the Fire and Rescue Authority, it is important that the Authority receive updates on any significant amendments to any arrangements, and endorse any specific contractual arrangements that may arise specifically under Section 16.

3. FINANCIAL IMPLICATIONS

- 3.1 Within the current regional agreement for Section 13/16, arrangements do exist for charging within the Services. No formal agreement exists with neighbouring Services outside of the East Midlands region. The amounts are determined by the rate set by the Local Government Association, which is reviewed on an annual basis, but this current year is circa £350 per call out.
- 3.2 In general, remittance between Services does not occur and it is accepted that mutual support is undertaken on a reciprocal basis. Some costs are addressed between specific Services and this is reported on the Fire Authority's accounts on an annual basis.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

The concept of reciprocal support and cross border working does require amendments to mobilising protocols and an awareness of neighbouring procedures, so that staff are appropriately trained. These issues are picked up through NFRS's normal internal processes.

5. EQUALITY IMPACT ASSESSMENT

There are no specific implications for equalities arising from this report.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

The concept of Section 13/16 arrangements are contained within the Fire and Rescue Services Act 2004 and provided the Authority comply with these instructions, there is no legal risk in entering in to such agreements.

8. RISK MANAGEMENT IMPLICATIONS

The provisions of Section 13/16 are present to mitigate the risks of a Service's capacity not be sufficient to deal with an unexpected incident and to help support each other in general service delivery.

9. RECOMMENDATIONS

It is recommended that Members:

- 9.1 Note the provisions of Section 13/16 of the Fire and Rescue Services Act 2004.
- 9.2 Endorse the existing delegations to the Chief Fire Officer and enter into any operational arrangements with neighbouring Services.
- 9.3 Agree to receive reports and updates from the Chief Fire Officer on the processes and amendments between Nottinghamshire Fire and Rescue Service and neighbouring Services.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

Frank Swann
CHIEF FIRE OFFICER