



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

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

# **SECTION 13 AND 16 AGREEMENTS – 2010 UPDATE**

Report of the Chief Fire Officer

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**Agenda Item No:**

**Date:** 01 April 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.

## **CONTACT OFFICER**

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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 At its meeting of 4 February 2011, the Chief Fire Officer presented a report to the Policy and Strategy Committee (see Appendix A), which detailed the specific aspects and arrangements contained within the Act and how they related to NFRS. As an outcome of that report, the Policy and Strategy Committee requested an update from the Chief Fire Officer on the current call rates between NFRS and neighbouring Services. This report serves to update Policy and Strategy Committee as requested.

## 2. REPORT

- 2.1 The neighbouring Services where NFRS operates cross border support arrangements under Section 13 of the Fire and Rescue Services Act 2004 are as follows:
  - Derbyshire.
  - Humberside.
  - Leicestershire.
  - Lincolnshire.
  - South Yorkshire.
- 2.2 Each year the Service will both provide and receive support from these Services for the resolution of incidents. The amount of reciprocation is predominantly determined by the size of the border, local geography and the location of operational resources.
- 2.3 In respect of assistance given it is important to recognise that this can be broken down into two aspects. The first is 'all calls', where NFRS responded believing the call to be within their respective area, and 'where requested', which covers specific requests for assistance by the host Fire and Rescue Service.
- 2.4 For assistance received, the Service is unable to determine whether this relates to requests or to general response, as the data is received from the neighbouring Authority. This is not unusual and NFRS do cross reference the figures to ensure they are accurate.

2.5 A break down for the 2010 calendar year reveals the following in relation to each neighbouring Service.

## 2.6 **DERBYSHIRE**

2.6.1 During 2010, NFRS responded into Derbyshire on 121 occasions, of which 76 were specifically requested by Derbyshire Fire and Rescue Service. The stations involved were Mansfield, Ashfield, Worksop, West Bridgford, Stockhill, Stapleford, Eastwood and Highfields.

2.6.2 The highest contributors were Ashfield (20) and Stapleford (21). The lowest was West Bridgford which responded on only two occasions.

2.6.3 In return, NFRS received assistance from Derbyshire on 62 occasions (12 false alarms, 29 fires and 21 special service calls).

2.6.4 A charging mechanism based on the LGA rate does exist between Derbyshire and Nottinghamshire and based on requests made, this would see NFRS as a net contributor to Derbyshire in 2010 on 14 occasions. This is the first time that NFRS has been a net contributor to Derbyshire since the revised agreements were signed, and is largely due to a change in policy regarding retained fire fighters within their Service.

## 2.7 **HUMBERSIDE**

2.7.1 In 2010, NFRS responded into Humberside on 16 occasions, of which 13 were requested. Three turned out to be in Derbyshire. The station that dealt with all of these calls was Misterton.

2.7.2 Humberside responded into Nottinghamshire on one occasion to attend a special service call. This makes NFRS a net contributor to Humberside on 15 occasions.

2.7.3 No formal charging policy exists with Humberside and funds are not exchanged.

## 2.8 **LEICESTERSHIRE**

2.8.1 Over border response to Leicestershire in 2010 was undertaken on 25 occasions, of which 8 were by specific request from Leicestershire. The stations involved were Newark, Bingham, West Bridgford, East Leake and Highfields. The largest contributor was Bingham on 18 occasions, which is due to the longstanding arrangements relating to the Vale of Belvoir and the village of Bottesford, which is covered by NFRS and Lincolnshire (Grantham). This is also why there is a large differential between the times assistance is given and specific requests made.

2.8.2 Leicestershire appliances supported NFRS on 9 occasions during 2010 (2 false alarms, 2 fires and 5 special service calls).

2.8.3 A formal agreement does exist between NFRS and Leicestershire, however no reciprocal charges have been levied to date.

## 2.9 LINCOLNSHIRE

2.9.1 During 2010 Nottinghamshire appliances responded into Lincolnshire on 99 occasions, of which 88 were specific requests. 12 eventually turned out to have been in Leicestershire. The NFRS stations involved were Misterton (24), Retford (2), Tuxford (2), Collingham (22) and Newark (49).

2.9.2 Newark is statistically the station that provides the most over border assistance to any other Service.

2.9.3 In response, Lincolnshire supported NFRS on 49 occasions during 2010 (18 false alarms, 26 fires, 5 special service calls), which makes NFRS a net contributor to Lincolnshire on 39 occasions.

2.9.4 A formal signed agreement does exist between the two Services although the charging element has never been enacted.

## 2.10 SOUTH YORKSHIRE

2.10.1 South Yorkshire received assistance from NFRS on 38 occasions during 2010, of which 33 were specifically requested. The two stations involved in providing this support were Worksop (9) and Harworth (29).

2.10.2 Assistance was received from South Yorkshire on 12 occasions (1 false alarm, 10 fires and 1 special service call).

## 3. FINANCIAL IMPLICATIONS

Any charges made or received under the provision of Section 13/16 of the Fire and Rescue Services Act 2004 are generally based on the recommended LGA rate. For the 2010/11 year, this was set at £292.00 per occasion. The amount does increase by a small percentage annually.

## 4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

There are implications for crews responding to over border incidents, primarily based around operational procedures. Appropriate familiarisation is undertaken to ensure that crews can work effectively at incidents together, even though some of the equipment provision may be different.

## **5. EQUALITY IMPACT ASSESSMENT**

There are no 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 Fire and Rescue Services Act 2004 is the legal framework which determines what the duties of the Fire and Rescue Authorities are. Sections 13 and 16 of this Act are the parts which deal with reciprocal assistance and working across borders.

## **8. RISK MANAGEMENT IMPLICATIONS**

Section 13 and 16 of the Fire and Rescue Services Act 2004 serve as provision to ensure that individual Fire and Rescue Services do not run the risk of exhausting their own provision and not having recourse for assistance to their neighbouring Services. Section 16 also offers the opportunity for Authorities to discharge elements of their duties should they so require.

## **9. RECOMMENDATIONS**

It is recommended that Members accept this report from the Chief Fire Officer in response to the request made at the Policy and Strategy Committee meeting on 4 February 2011.

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

None.

Frank Swann  
**CHIEF FIRE OFFICER**



**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

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**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.

## CONTACT OFFICER

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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**