



**HAMPSHIRE
FIRE AND
RESCUE
AUTHORITY**

Purpose: Approval

Date: 20 February 2019

Title: **Marine Incidents**

Report of Chief Fire Officer

SUMMARY

1. Hampshire Fire and Rescue Authority (HFRA) have a statutory duty to attend only some types of fire incidents involving marine vessels.
2. The capability to attend all types of fire incidents in marine vessels has been maintained for many years. The arrangements have changed from being supported by Government departments, to now being a capability which is declared only by those Fire and Rescue Authorities (FRAs) which decide to provide it independently.
3. Significant risks exist within the Solent area which HFRA will naturally be expected to have an expertise in responding to, both by the public and by marine professionals.
4. HFRS has a current capability to attend fires in marine vessels regardless of location.
5. The purpose of this report is for HFRA to consider marine incidents and declare its' position.

BACKGROUND

6. Marine incidents fall into two areas
 - a) Fires in vessels moored alongside; and
 - b) Fires in vessels at sea.
7. Fires in vessels moored alongside are part of HFRA's statutory duty under the Fire and Rescue Services Act 2004. The Fire and Rescue Authority must make provision for extinguishing fires, protecting life and property in its area. This requirement includes vessels and structures that are secured to the shore. In Hampshire, this means that the Hampshire Fire and Rescue Service (HFRS) has a duty to respond to incidents on vessels moored at or alongside Southampton and Portsmouth ports and the many marinas on the south coast of Hampshire.

8. This duty does not extend below the mean low water mark and therefore, does not extend to any vessel deemed afloat and not moored alongside.
9. The Fire and Rescue Authority may consider action it considers appropriate in a situation where individuals may die, become injured or ill or where there is harm to the environment, and this power to act may be exercised by an Authority outside of its Authority area (Fire and Rescue Services Act 2004, Section 11). This power may be exercised at sea (Fire and Rescue Services Act 2004, Section 20).

HISTORY

10. From 2006 to 2011, HFRA authorised HFRS to be part of a national response to fires at sea as part of the Maritime Incident Response Group (MIRG). This response was funded and co-ordinated by the Maritime and Coastguard Agency (MCGA).
11. In 2011, the Department for Transport (DfT) decided to withdraw the MIRG arrangements. They cited that the capability was not required and could be sourced through other arrangements supplied by marine salvors.
12. Based on the risk presented within the Hampshire and Solent area, HFRA made a decision to maintain the capability in Hampshire.
13. The National Fire Chiefs Council (NFCC) maintain a connection with a group of Fire and Rescue Services (FRS) who maintain this 'at sea' capability called the Fire and Rescue Maritime Response group (FRMR). The number of FRS providing this capability is six.
14. In recent years, HFRS has deployed teams to vessels on fire at sea (MV Courage and MV Honor). Both vessels received a Maritime Response Team (MRT), to assist the safe navigation of the vessel into Southampton Port, where a full firefighting response was enabled when securely moored alongside.
15. Since 2016, the MCGA have requested a UK FRS response on 14 separate occasions nationally. HFRS have continued to engage in discussions for the DfT and MCGA to clarify the position and needs with regards fires on vessels at sea.

RISK IN THE SOLENT AREA

16. There is a significant life risk present within the Solent. Passengers are present on ferries to and from the Isle of Wight and Europe. Southampton is the UK's main cruise terminal with up to seven ships in daily in the high season. Additionally, the Solent is the busiest stretch of water in the UK for sailing and pleasure craft.
17. Hotel accommodation is located on Napoleonic Forts isolated within the Solent. The continued response to these structures can only be maintained by maintaining our "at sea" capability.

18. Financially, both Southampton and Portsmouth ports contribute significantly to the local economy. ABP Southampton contributes circa. £5.6 billion to local economy directly (Solent LEP).
19. HFRS recognises the risk presented by the maritime industry. There is a public expectation that HFRS can respond to fire incidents in the Solent.
20. The Solent Harbour Masters expect a HFRS capability to provide professional expertise and assessment prior to accepting a casualty vessel.

HFRS CAPABILITY

21. Fire incidents in marine vessels is part of the HFRS maintenance of competence scheme. All HFRS crews are trained to respond to a fire in a vessel alongside.
22. Nominated stations close to the coast have enhanced training to respond to fires alongside to improve our capability. They have also been trained to provide a seaborne response to cover the Solent area.
23. HFRS have a Maritime Response Team (MRT). These are Firefighters and Officers whom have been trained specifically in fire incidents at sea. They may be deployed as an airborne or seaborne response as part of FRMR. They are a designated national asset and currently may respond to incidents at sea outside the Authority's area and are not restricted to the territorial sea of the United Kingdom.
24. The MRT provide an assessment team to establish the exact nature of the incident and its associated risk, and provide liaison with the vessels' crews. This response has proved to demonstrate good communication with UK authorities such as MCGA and port authorities. It also allows for thorough tactical planning in preparation of firefighting when the ship is moored alongside. This reduces firefighter risk and makes firefighting operations more effective and shorter.

SUPPORTING OUR SERVICE PLAN AND PRIORITIES

25. Providing response to incidents at sea supports our Service Plan and Priorities in the following ways:
 - a) "Responding to Incidents" Service priority, the aim of which is to continue to improve the way we respond to and support incidents;
 - b) "Creating safer communities". Recognising the risk to members of the public travelling through the Solent area;
 - c) "Blue Light collaboration". Working with other response agencies such as the Ministry of Defence Police; Coastguard and Ambulance Service to provide maritime response.
26. The proposal also supports the National Framework Document objectives of:

- a) Making appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
- b) Identify and assess the full range of foreseeable fire and rescue related risks their areas face;
- c) Collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide;
- d) Be accountable to communities for the service they provide.

CONSULTATION

27. Consultation has been ongoing as part of HFRS pre-planning and Local Resilience Forum (LRF) planning process. The current response protocols have been developed with the MCGA, NFCC FRMR, RNLI; Hampshire Constabulary; Ministry of Defence Marine Unit (Portsmouth); Southampton, Portsmouth Port and Cowes Harbour Masters; Queens Harbour Master (Portsmouth) and numerous shipping lines and agents.

COLLABORATION

28. Working within the Blue Light Collaboration partnership, HFRS continues to seek effective and efficient ways for all agencies to respond to incidents at sea. This is particularly relevant to methods of transportation and training which is an ongoing project within the partnership.

29. HFRS also continues to collaborate with the National Fire Chiefs Council (NFCC), FRMR and the MCGA to ensure effective and efficient response protocols whilst also working with the local maritime industry to identify and enhance effective working practices.

RESOURCE IMPLICATIONS

30. The current budget allocated to maintain this capability is sufficient and no additional resource requirements are required as a result of this paper. The budget is allocated and managed within the HFRS Operations budget.

ENVIRONMENTAL AND SUSTAINABILITY IMPACT ASSESSMENT

31. An impact assessment has been carried out and positive impacts identified through the potential to reduce environmental issues through early intervention and resolution of incidents.

LEGAL IMPLICATIONS

32. There is a potential threat from litigation when responding to incidents outside of the FRS statutory duty (e.g. where HFRS officers cause damage to third parties' property or are injured themselves). FRS' have a statutory duty to respond to vessels alongside but are not required to respond to vessels at sea.

33. HFRS have protection cover through the Fire and Rescue Indemnity Company (FRIC) which covers public and employee liability up to a £50m limit, which is deemed as sufficient protection.

EQUALITY IMPACT ASSESSMENT

34. An impact assessment has been made and the proposals in this report are considered compatible with the provisions of the equality and human rights legislation. There are no impacts identified.

OPTIONS

35. A number of options have been considered and presented in this paper. These options refer exclusively to the activities of the Authority which are not statutory duties. Where a duty has been identified, the paper assumes HFRS will continue with this capability.
36. The options in respect of non-statutory duties are:
- a) HFRS discontinues the capability and provision to respond to incidents at sea;
 - b) HFRS continues to provide a capability for incidents within the Solent area. This will use the enhanced skills of our stations and respond to the main life risk elements;
 - c) HFRS provides the capability of responding to vessels en route to a Hampshire Port. It is likely that any vessel leaving a Hampshire Port will also return. This provides HFRS an enhanced capability once alongside;
 - d) HFRS maintains a nationally declared capability which can be deployed outside of the area. This option would only be possible on the authorisation of the Brigade Manager and following an in-depth risk assessment.

RISK ANALYSIS

37. There is a potential risk of litigation from the marine industry, particularly if HFRS are working outside its statutory responsibility. However, HFRA has appropriate protection cover for these risks.
38. The option of no response would be detrimental to HFRA reputation.
39. Early intervention to vessels at sea will reduce the social, environmental and economic impacts of incidents. It will also reduce risk of political criticism.
40. Adoption of the maritime response strategy will also reduce risk to vessels and crew/passengers as identified in Corporate and Local Resilience Forum Risk Registers.

CONCLUSION

41. HFRA fulfils its' statutory duty to respond to fires in vessels moored alongside.
42. For many years, HFRA has maintained and used the capability of responding to vessels on fire at sea, legally, but outside of its' statutory duty.

43. Significant life and economic risks exist in the Solent area. A reputational risk exists with HFRA not having the capability to respond to a fire in this region.
44. HFRS currently maintains the capability to respond to risks.

RECOMMENDATION

45. That Options b, c and d be approved by Hampshire Fire and Rescue Authority, specifically that:
- b) HFRS continues to provide a capability for incidents within the Solent area. This will use the enhanced skills of our stations and respond to the main life risk elements.
 - c) HFRS provides the capability of responding to vessels on route to a Hampshire Port. It is likely that any vessel leaving a Hampshire Port will also return. This provides HFRS an enhanced capability once alongside.
 - d) HFRS maintains a nationally declared capability which can be deployed outside of the area. This option would only be possible on the authorisation of the Brigade Manager and following an in-depth risk assessment.
46. That maintenance of the appropriate resources to facilitate the approved capability be approved by Hampshire Fire and Rescue Authority.
47. It be approved by Hampshire Fire and Rescue Authority, that procedures formed to deploy outside of HFRA's statutory duty, be delegated to the Chief Fire Officer.

Contact: Stewart Adamson, Assistant Chief Fire Officer Stew.adamson@hantsfire.gov.uk, 07918887596