

HUMBERSIDE FIRE AUTHORITY

16 MARCH 2015

PRESENT:

Representing East Riding of Yorkshire Council:

Councillors Chapman MBE, Green, Head, Hodgson and Mole

Representing Kingston upon Hull City Council:

Councillors Mathieson, Petrini, Thompson

Representing North Lincolnshire Council:

Councillors Briggs (Chairperson), Marper and Waltham

Representing North East Lincolnshire Council:

Councillors Burton and Walker

Deputy Chief Fire Officer/Executive Director Service Delivery, Executive Director Service Support/Section 151 Officer, Monitoring Officer/Secretary, Committee Manager and Ms B Jones (MIAA) were also present.

Mr A Smith, Mrs A Thomlinson and Mr C Vertigans (Independent Co-opted Members of the Governance, Audit and Scrutiny Committee) also attended as observers.

Apologies for absence were submitted from Councillors Baxter, Clarkson, Moore, Norton, Pearson, Quinn, Swift, Turner and Wilson. Councillor Waltham had indicated that he would arrive during the meeting.

The meeting was held at the Humberside Fire and Rescue Service Headquarters, Kingston upon Hull. Meeting commenced at 10.30 a.m.

(The Chairperson welcomed the Independent Co-opted Members of the Governance, Audit and Scrutiny Committee and all other persons who were present.)

4784 DECLARATIONS OF INTEREST – There were no declarations.

4785 MINUTES – **Resolved** – That the minutes of the meeting of the Authority held on 16 February 2015 having been printed and circulated amongst the Members, be taken as read and correctly recorded and be signed by the Chairperson.

4786 QUESTIONS BY MEMBERS - The Monitoring Officer/Secretary stated that no questions had been received from Members in accordance with Rule 12, Part 4 of the Constitution.

4787 PETITIONS AND DEPUTATIONS - The Monitoring Officer/Secretary stated that no petitions had been received and no requests for a deputation had been received under Rule 13, Part 4 of the Constitution.

4788 COMMUNICATIONS – The Chairperson referred to key messages from the speeches by Penny Mordaunt MP, Fire Minister and Lyn Brown MP, Shadow Fire Minister at the Local Government Association Annual Fire Conference 10/11 March 2015 which had been circulated to all Members of the Authority for information. The Chairperson also referred to the response submitted on behalf of the Authority to the consultation by Lyn Brown MP, Shadow Fire Minister regarding the future of the fire and rescue service in England.

4789 MEMBERS' NEWSLETTER – This item was included on the Agenda to allow Members an opportunity to ask questions regarding any items included in the Members' Newsletter that had been emailed recently to all Members of the Authority. There were no questions.

4790 INDUSTRIAL ACTION UPDATE - Further to Minute 4755 the Deputy Chief Fire Officer/Executive Director Service Delivery updated Members with regard to the arrangements made by the Service in response to the industrial action on 25 February 2015 and stated that at present no further dates of industrial action had been announced by the Fire Brigades' Union.

Resolved – That the report be noted.

MINUTES OF COMMITTEES

4791 Governance, Audit and Scrutiny Committee – Resolved – That the minutes of the Governance, Audit and Scrutiny Committee held on 2 March 2015 be received.

4792 SCRUTINY PROGRAMME 2014/15 – HUMAN RESOURCES: ADVISORY AND TRANSACTIONAL SERVICES AND SUCCESSION PLANNING – The Monitoring Officer submitted a report indicating that the Governance, Audit and Scrutiny Committee on 2 March 2015 (Minute 4769 refers) had considered a report by the Chairperson of that Committee attached at Appendix 1 to the report now submitted detailing the outcomes from scrutiny undertaken by the Committee regarding Human Resources: Advisory and Transactional Services and Succession Planning. The scrutiny had provided assurance to the Committee that the Service is committed to modernising systems and developing staff to underpin service redesign and improve outcomes. There were a number of areas, however, where the Committee considered that the Authority might consider with a view to further improving or bringing forward anticipated benefits. The attention of the Authority was drawn to the recommendations of the Committee in Appendix 1 to the report as follows:

- (i) Firewatch IT System - A review of the HR module and the process of implementation is recommended before additional modules are purchased.
- (ii) Succession Planning - The Authority might wish to receive the evaluation of the coaching/mentoring which was planned by managers in the autumn.
- (iii) Expert HR Advice – (a) The Authority may wish to consider how to best meet its expert HR needs at a full meeting, and (b) the Authority might like to also consider requesting, in due course, a review of the temporary arrangement to receive expert HR advice from South Yorkshire Fire & Rescue Service, its scope (particularly with regard to HR strategy setting), and any future potential conflicts of interest.
- (iv) Equality of opportunity – That when the current People Strategy document which aims for “a positive approach to equality and diversity” is updated the aims should be more robustly phrased to state clearly there is equality of opportunity to all no matter what gender, race, religion, marital status etc.
- (v) Recruitment moratorium - The Authority might wish to consider setting triggers and timescales for when reviews should be held of continuing indefinitely the moratorium.
- (vi) People Strategy 2020 Document – That the Authority note that one omission from the document (pertinent to equality of opportunity) for future reference for the Corporate Management Team is a commitment to a safe workplace environment e.g. recognition that whistle-blowing is a valid and constructive form of feedback, zero tolerance of bullying.

Resolved – That the Authority approves the recommendations of the Governance, Audit and Scrutiny Committee.

INTERNAL AUDIT (MIAA)

4793 Internal Audit Update – Ms B Jones (Internal Audit - MIAA) submitted a report outlining internal audit activity since the last meeting as follows:

Internal Audit Plan 2014/15 – Summary Progress Update - The Internal Audit Control Schedule was attached at Appendix 1 to the report.

Internal Audit Plan 2015/16 – Consultation - A three year strategic Internal Audit Plan was approved by the Fire Authority on 25 April 2014. As part of the usual annual refresh the Corporate Management Team and the Governance, Audit and Scrutiny Committee had been requested to offer comments to shape the plan during January and February 2015. The latest version was attached at Appendix 2 to the report which the Authority was asked to approve.

The report had previously been submitted to the Governance, Audit and Scrutiny Committee held on 2 March 2015 (Minute 4776 refers).

Resolved – (a) That the Authority notes the progress with the 2014/15 Internal Audit Plan, and

(b) that the 2015/16 Internal Audit Plan be approved.

4794 MANAGEMENT ACCOUNTS 2014/15 – BASED ON PERIOD ENDING 31 JANUARY 2015 - The Executive Director Service Support/Section 151 Officer submitted a report containing the Authority’s Management Accounts based on the period ending 31 January 2015. The end of year projections for the revenue budget, the capital programme, the pensions account and HFR Solutions were as follows:

<u>Category</u>	<u>2014/15 Outturn projection</u>
<u>Humberside Fire Authority</u>	
Revenue Budget	£1.159m underspend
Capital Programme	£5.627m expenditure against £12.056m allocation
Pensions Account	£8.445m deficit
<u>HFR Solutions</u>	
Surplus after Corporation Tax	£200k

Further detailed information was contained within the additional information published alongside the Agenda papers for this meeting on the Authority’s website. The accounts had previously been submitted to the Governance, Audit and Scrutiny Committee held on 2 March 2015 (Minute 4774 refers).

Resolved – That Members take assurance from the report and the Authority’s financial position based on the period ending 31 January 2015.

4495 TREASURY MANAGEMENT AND CAPITAL EXPENDITURE PRUDENTIAL INDICATORS, TREASURY MANAGEMENT POLICY STATEMENT 2015/16 AND MINIMUM REVENUE PROVISION (MRP) FOR 2015/16 - The Executive Director Service Support/Section 151 Officer submitted a report setting out the Prudential Indicators for Treasury Management and Capital and the Treasury Management Policy Statement proposed for adoption for the financial year 2015/16. The Authority’s Constitution required that the Policy Statement is approved by the full Fire Authority and that responsibility cannot be delegated. The report also outlined the recommended policy to be adopted in respect of creating the Minimum Revenue Provision (MRP) for 2015/16, in line with the statutory requirements set out in The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008. In the light of the Icelandic situation in 2008, CIPFA had amended the CIPFA Treasury Management in the Public Services Code of Practice (the

Code), Cross-Sectoral Guidance Notes and Guidance Notes and the template for the revised Treasury Management Policy Statement. The Fire Authority had formally adopted the revised Code on 15 February 2010. An updated version of the Code was published in November 2011 and the strategy statement had been prepared in accordance with the requirements of the new Code. The report had previously been submitted to the Governance, Audit and Scrutiny Committee held on 2 March 2015 (Minute 4775 refers).

Resolved – That Members approve the Prudential Indicators for Treasury Management and Capital Expenditure at paragraphs 14 and 15, the MRP calculated for 2015/16 at paragraphs 17-21 and Appendices 1, 2 and 3 of the report now submitted as the basis for the Authority's Treasury Management activities in 2015/16.

4796 PAY POLICY STATEMENT 2015-16 - The Executive Director Service Support/Section 151 Officer submitted a report providing a proposed Pay Policy Statement for Humberside Fire Authority for 2015/16, as required by the Localism Act 2011, for approval by the Authority. The Act introduced senior staff pay transparency into local authorities with a requirement that authorities prepare a Pay Policy Statement for each financial year. A statement for the Authority was first produced for 2012/13 and approved by the Authority on 17 April 2012 (Minute 3839 refers). The Authority agreed at that time that the Pay Policy Statement should be reviewed annually by officers and that any proposed amendments would be brought before the full Authority for consideration. The proposed statement for 2015/16 now reflected the pay details for the revised Corporate Management Team (CMT) posts as agreed by the Authority on 16 February 2015. The report had previously been submitted to the Governance, Audit and Scrutiny Committee held on 2 March 2015 (Minute 4773 refers).

A question by a Member with regard to the impact of applying a 'living wage' within the Service was answered by the Executive Director Service Support/Section 151 Officer.

Resolved – (a) That the draft Pay Policy Statement for 2015/16 at Appendix 1 to the report now submitted be approved;

(b) that the Chief Fire Officer & Chief Executive be authorised to make factual adjustments to the Policy during the course of 2015/16, for example, in reflection of the impact of any pay awards arising for different employment groups during the year, and

(c) that any other proposed amendments to the Policy during 2015/16 be brought before the full Authority for consideration.

(Councillor Waltham arrived at 10.50am during the consideration of the following item.)

4797 THE FIREFIGHTERS' PENSION SCHEME (AMENDMENT) (GOVERNANCE) REGULATIONS 2015 (DRAFT) - PENSION BOARDS - The Executive Director Service Support/Section 151 Officer and Monitoring Officer/Secretary submitted a report, further to Minute 4727, with regard to the need for the Authority to create a Pension Board to oversee compliance in the operation of the Firefighter Pension Scheme (FPS). There is a requirement that the Authority has a Board in place by 1 April 2015. The purpose of the report now submitted was to set out a proposed structure of a Pension Board for the Firefighters' Pension Scheme based on the latest available information and to secure approval to set up a Pension Board.

The Firefighters' Pension Scheme (England) Regulations 2014 (the Pension Regulations) will introduce the latest firefighters' pension scheme on 1 April 2015. The Pension Regulations will shortly be amended by The Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015 (the Governance Regulations). The proposed Governance Regulations, also intended to come into force on 1 April 2015, would set out the governance arrangements for the various firefighters' pension schemes. The report set out relevant extracts from the draft Regulations with regard to the establishment and

membership of Pension Boards. Quick guides published by the pensions Regulator and entitled “Public Service Pension Boards” and “Public Service Pension Board Members” were attached at Appendix 1 and 2 to the report now submitted. The Executive Director Service Support/Section 151 Officer stated that the final Regulations removed the previous stipulation that deferred and pensioner members could not be on the Pension Board. It was suggested that initially the Pension Board should be comprised as follows:

- | | |
|---|--|
| <u>Employer representatives</u> (2): | 1 Elected Member
1 Officer (Director of Public Safety) (see paragraph 20 below) |
| <u>Scheme Member representatives</u> (2): | 1 representative nominated by the representative bodies via discussion and agreement at the Joint Consultative Committee

1 representative selected from expressions of interest by individual HFRS FPS members or those eligible to be HFRS FPS members |

(All members of the Pension Board must satisfy the applicable criteria.)

The report indicated that all members of the Pension Board must have the capacity and understanding to respectively represent the employer or pension members; be conversant with the rules of the schemes and documented administration policies, and must also have knowledge of the law relating to pensions. The intention was that Pension Board members must have the breadth and understanding to enable them to understand fully and challenge any information or advice they are given. This task should not be underestimated. Pension law is complex and regularly changes. Training and development of Pension Board members will be essential and compulsory. Pension Board members cannot be responsible for discharging any functions under the Pension Regulations. Given that the Chief Fire Officer & Chief Executive has decision making responsibilities in relation to pensions; neither he nor his Deputy should be appointed to the Pension Board. Similarly it would be inappropriate to appoint the Executive Director Service Support/Section 151 Officer or Monitoring Officer/Secretary to the Board. Given the necessary investment in the training and development of Pension Board members, it was suggested that the term of office should be a maximum of 2 terms of 3 years. The composition of the Pension Board and the process for making appointments needed to be approved at this meeting of the Authority with a view to the formal appointments being approved at the Annual General Meeting 2015.

The Pension Regulations will provide that the Scheme Manager (the Fire Authority) must have regard to guidance issued by the Secretary of State in relation to Pension Boards. Unfortunately, none has been forthcoming at the time of producing the report now submitted. Indeed, the Pension Regulations have not yet been amended by the making of the Governance Regulations. However, The Pensions Regulator had published a draft Code of Practice which was presented to Parliament on 12 January 2015. Officers intended to work with other Authorities as far as possible, e.g. joint training may be feasible.

A copy of the proposed Terms of Reference (ToR) for the Pension Board was set out in Appendix 3 to the report. The ToR when approved by the Authority will be incorporated within the Authority’s Constitution. One area that had been considered in drawing up the ToR was whether the Authority should create a separate Pensions Committee to preside over decision making on pensions issues. Initially it was felt that this would allow employer representation on the Pensions Board to be drawn from Fire Authority Elected Members that do not sit on the Pensions Committee. This would have removed any potential conflicts of interest that would arise from a Member on one hand participating in pension decision making and then on the other sitting on a Pension Board in a compliance role. However, on

further reflection it was felt that there was no need for a Pensions Committee and any potential conflict arising from an Elected Member serving on the Pensions Board can be dealt with by that Member declaring an interest and leaving any meeting of the Fire Authority when Pension matters are considered. The same proviso would equally apply to any Pension Board member present at a meeting of the Authority when Pension matters were under consideration. The report also drew attention to the existing Scheme of Delegations to Officers and indicated that it was considered that no amendment was required to the existing delegation to the Chief Fire Officer & Chief Executive (m) (xviii) to deal with matters arising from the Regulations. It was suggested that the inaugural meeting be held on Friday, 17 July 2015 at 10.30am. It was anticipated that this meeting will be a short introductory meeting.

Resolved – That Members:

- (i) note that the content and advice contained within the report was based on the Officers’ latest understanding of the likely content of the proposed final regulations and DCLG’s guidance at the time the report was written and also note the changes reported orally at the meeting following the publication of the final Regulations;
- (ii) delegate responsibility for fulfilling the role of Scheme Manager to the Executive Director Service Support/Section 151 Officer;
- (iii) establish a Pension Board as set out in paragraph 18 of the report to assist the Scheme Manager in securing compliance with the Firefighters’ Pension Schemes’ Regulations and associated legislation and guidance;
- (iv) approve the Terms of Reference for the Pension Board set out in Appendix 1 to these minutes, and the clarification of the delegated powers of the Chief Fire Officer & Chief Executive set out in paragraph 26 of the report;
- (v) approve the process for the appointment of members of the Pension Board set out in paragraph 18 to the report, and
- (vi) agree that the inaugural meeting of the Pension Board will be held on Friday, 17 July 2015 at 10.30am.

4798 SERVICE PERFORMANCE AND RISK REPORT END OF THE 3RD QUARTER 2014/15 – 1 APRIL 2014 – 31 DECEMBER 2014 - The Deputy Chief Fire Officer/Executive Director Service Delivery submitted a report providing information relating to the Service’s Performance and Risk Framework as highlighted in the following table:

Section 1 – Strategic Risks	
Reduction in external financial support.	No change in risk.
Emergency Services Mobile Communications Programme (ESMCP)	ESMCP, which is being managed nationally, will replace the existing Airwave communication system with a new Emergency Services Network. The success of this is critical to the Service. There are additional concerns that the cost share between Government and the Authority is not yet known.
Section 2 – Prevention Performance	
SPI 1 Number of Automatic Fire Alarms	8.4% below the 3 year average.
SPI 2 Accidental Dwelling Fires	6.9% below the 3 year average.
SPI 2a Other Accidental Fires (exc. Vehicles)	14.5% below the 3 year average.
SPI 3 Deliberate Primary Fires	20.7% below the 3 year average.
SPI 4 Deliberate Secondary Fires	32.5% below the 3 year average.
SPI 5 Number of Fatalities	6 fatalities against aspirational target of zero.
SPI 6 Number of Injuries	22 injuries against aspirational target of zero.

Section 3 – Response Performance	
SPI 16a First engine response	8.01% better than objective.
SPI 16b Second engine response	10.29% better than objective.
Section 4 – Projects Update	
Key projects are reported in this section	On track apart from ARK
Section 5 – Absence Statistics	
Key data is reported in this section	Worsening for WDS and non-operational, improving for RDS and Control.

Further detailed information was contained within Appendix 1 to the report and also the supplementary information published alongside the Agenda papers for this meeting on the Authority’s website. The report had previously been considered by the Governance, Audit and Scrutiny Committee on 2 March 2015 (Minute 4777 refers).

Resolved – That the Authority takes assurance as to the Service’s proactive approach to performance and risk management.

4799 HEALTH AND SAFETY QUARTERLY REPORT – 3RD QUARTER 2014/15 – OCTOBER – DECEMBER 2014 - The Deputy Chief Fire Officer/Executive Director Service Delivery submitted the 3rd Quarter 2014/15 report on Health and Safety. Attached at Appendix 1 to the report was a summary of the statistical data. The report also contained at Appendix 2 a summary of the Health and Safety Laboratory Climate Survey, which received a 26% return rate from all staff (307 in total). Further detailed information was contained within the supplementary information published alongside the Agenda papers for this meeting on the Authority’s website. The report had previously been considered by the Governance, Audit and Scrutiny Committee on 2 March 2015 (Minute 4778 refers).

Resolved – That Members note the report and take assurance as to the Service’s proactive approach to Health and Safety.

4800 CALENDAR OF MEETINGS 2014/15 AND 2015/16 – The Monitoring Officer/Secretary submitted a report reminding Members that the Annual General Meeting (AGM) of the Authority sets the calendar of its meetings, and those of its committees, for the forthcoming year. At its AGM on 23 June 2014 the Authority approved a calendar of meetings for 2014/15 which indicated that the AGM of the Authority in 2015 would be held on Friday, 22 May 2015. Unfortunately that date did not fully take into account that the General Election and Unitary Council elections would be held on 7th May 2015. On checking the dates when the 4 unitary authorities plan to hold their annual meetings when appointments are made to outside bodies (including the HFA) it was now clear that the date set for the Authority’s AGM is too early. In these circumstances it was suggested that the HFA should change its Annual Meeting from 22 May to an alternative date to ensure that the HFA has received details of Members appointed to the HFA by the 4 unitary councils by the time the Agenda papers are dispatched. Members will recall that when a similar situation arose last year the Authority decided to combine its AGM with its June 2014 meeting. It was suggested that the Authority adopt the same approach in 2015 and combine the AGM with the Ordinary meeting of the Authority proposed for Friday 26 June 2015 to be followed by Member Induction.

The report also indicated that there would normally be a meeting of the Governance, Audit and Scrutiny (GAS) Committee in June 2015 (the proposed date was 15 June 2015). It was suggested that that date should be agreed as part of the calendar of meetings for the current year. Attached at Appendix 1 to the report for Members’ information only at this stage was a proposed calendar of meetings for 2015/16 which will be submitted to the next AGM for approval. It was proposed to hold at least 5 Member Days during 2015/16, in addition to the Induction following the AGM for new Members. The attention of Members was also drawn to the inclusion of 2 dates for meetings of the Pension Board which was the subject of a separate report on the Agenda for this meeting.

It was also suggested that the Authority might want to reduce the number of GAS Committee meetings in a year from 8 to 7 by merging the October and November meetings into one. The October and November GAS meetings tended to have fairly 'light' agendas and it was felt that a more efficient and effective way of working would be to combine the two meetings into an early November date. Apart from this the proposed calendar of meetings largely reflected the current year's arrangements. With regard to the Governance, Audit and Scrutiny Committee, the schedule will be finalised following the Authority deciding on its calendar.

Resolved – (a) That Members approve the proposed change of date of the Annual General Meeting from 22 May 2015 to Friday, 26 June 2015 and to that meeting conducting the formal business of the AGM as well as any ordinary business;

(b) that the proposed date of the GAS Committee on 15 June 2015, be noted and the suggested reduction in meetings of the GAS Committee from 8 to 7 a year be endorsed;

(c) that the dates scheduled for meetings of the new Pension Board be noted, and

(d) that Members note the proposed calendar of meetings for 2015/16 set out in Appendix 1 to the report which will be submitted to the next Annual General Meeting of the Authority for approval.

4801 EXCLUSION OF PRESS AND PUBLIC – Resolved – That the press and public be excluded from the meeting during consideration of the following item (Minute 4802) on the grounds that it is likely to involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

(In making its decision the Authority confirmed that having regard to all the circumstances it was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

4802 HFR SOLUTIONS' PERFORMANCE SUMMARY REPORT OCTOBER – DECEMBER 2014 - The Deputy Chief Fire Officer/Executive Director Service Delivery submitted a report indicating that as agreed previously by the Authority the report had been structured to outline the performance of HFR Solutions' operations and service delivery within each operating quarter and covered the following four main areas of activity: Business; Training; Community and Risk. The report had previously been considered by the Governance, Audit and Scrutiny Committee on 2 March 2015 (Minute 4783 refers). The Deputy Chief Fire Officer/Executive Director Service Delivery reminded Members that a report would be submitted to the next meeting of the Authority which would clarify the legal relationship between HFR Solutions and the Fire Authority.

Resolved – (a) That Members take assurance from the report that HFR Solutions' is continuing as a highly successful business, capable of effectively supporting Humberside Fire & Rescue Service's delivery requirements across both the business and residential communities of the area, and

(b) that a report be submitted to the next meeting of the Authority clarifying the legal relationship between HFR Solutions and the Fire Authority.

Meeting closed at 11.13 am

Article 10A – Pension Board

10A.1 FUNCTIONS AND RESPONSIBILITIES OF THE BOARD

The purpose of the Board is to assist the HFA in its role as a Scheme Manager of the Firefighters' Pension Scheme. Such assistance is:

- (a) to secure compliance with:
- the Regulations,
 - any other legislation relating to the governance and administration of the Scheme, and
 - requirements imposed by the Pensions Regulator in relation to the Scheme, and
- (b) to ensure the effective and efficient governance and administration of the Scheme.
- (c) The Pension Board shall have no delegated powers but may make recommendations to the HFA

10A.2 SUPPORT TO THE BOARD

(a) In support of its core functions the Board may make a request for information to the Executive Director Service Support/S.151 Officer with regard to any aspect of the scheme manager function. Any such a request should be reasonably complied with in both scope and timing.

(b) In support of its core functions the Board may make recommendations to the Executive Director Service Support/S.151 Officer which should be considered and a response made to the Board on the outcome within a reasonable period of time.

10A.3 DUTIES OF THE BOARD

The Board should at all times act in a reasonable manner in the conduct of its business. In support of this duty Board members should:

(a) always act in the interests of the scheme and not seek to promote the interests of any stakeholder group above another, and

Either -

(b) in the case of Elected Member and Other members be subject to and abide by the HFA Code of Conduct for Members

or

(c) in the case of officers of the HFA be subject to and abide by the HFA principles of good conduct for employees

10A.4 COMPOSITION

The Board will comprise an equal number of employer and member representatives as shall be determined by the HFA with a minimum requirement of not less than four in total. Initially the Board shall comprise

Member representatives

(a) TWO member representatives:

1 representative nominated by the representative bodies via the agreement at the Joint Consultative Committee

1 representative selected from applications by individual HFRS FPS members or eligible HFRS FPS members

(b) Member representatives shall either be members of the scheme administered by the HFA

(c) Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

(d) The HFA will approve a selection process and criteria for the appointment of Member representatives to the Board.

Employer representatives

(a) TWO employer representatives.

1 Elected Member

1 Officer (Director of Public Safety)

(b) Employer representatives shall be Elected Members or senior officers of the HFA or have experience of representing scheme employers in a similar capacity. Elected Members or employees of the HFA with delegated responsibility for discharging the scheme manager function of the HFA may not serve as employer representatives.

(c) Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

(d) Employer representatives shall be appointed by the HFA in a manner which it considers best promotes the purpose of the Board.

Other members

(a) Up to 4* other members may be appointed to the Board in a non-voting capacity by the HFA or the Board.

[* Number to be no greater than the combined number of employer and member representatives]

(b) Any appointments of other members shall have regard to the best interests of the purpose of the Board.

Substitutes

Substitutes shall not be permitted.

Appointments Process

All appointments to the Board shall be made generally in accordance with the appointments process set out in the Annex to this Terms of Reference.

10A.5 TERM OF APPOINTMENTS

(a) The membership of the Pension Board shall be determined at the Annual General Meeting of the HFA. Board members may be appointed for a maximum of two 3 year terms.

(b) Board membership may be terminated prior to the end of the term of office due to:

(i) a member representative appointed on the basis of their membership of the scheme no longer being a member or eligible member of the HFRS FPS;

(ii) a member representative no longer being a member of the body on which their appointment relied;

(iii) an employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;

(iv) the representative failing to attend meetings of the Board on three consecutive occasions

10A.6 APPOINTMENT OF CHAIRPERSON

(a) The Chairperson of the Board may be appointed annually at the Annual General Meeting of the HFA or elected at the first meeting of the Pension Board following the Annual General Meeting. The position of Chairperson will normally rotate on an annual basis between the Employers' representatives and the Member representatives on the Board. In the absence of the Chairperson at any meeting a Chairperson will be chosen from those members present to preside at that meeting

(b) The role of the Chairperson will be in accordance with the Roles of the Committee Chairpersons Generally set out in Part 2 Schedule 2 of the Constitution

10A.7 QUORUM

The quorum for meetings of the Board shall be 3 or as may be decided by the HFA at its AGM.

10A.8 NOTIFICATION OF APPOINTMENTS

On appointment to the Board, the HFA shall publish the name of the appointees, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

10A.9 CONFLICTS OF INTEREST

(a) All members of the Board must declare to HFA on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.

(b) On appointments to the Board and following any subsequent declaration of potential conflict HFA shall ensure that any potential conflict is effectively managed in line with both the internal procedures of HFA and the requirements of the Pensions Regulator's codes of practice on conflict of interest for Board members.

10A.10 KNOWLEDGE AND UNDERSTANDING (INCLUDING TRAINING)

(a) Knowledge and understanding must be considered in light of the role of the Board to assist the HFA in line with the requirements outlined above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board Members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.

(b) Board Members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.

(c) Board Members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

10A.11 RIGHT TO ATTEND MEETINGS

(a) Members of the public may attend meetings of the Board subject to the exception set out below.

(b) The Board may resolve to exclude the press and public from a meeting of the Board on the grounds that the discussion of an item may include the discussion of confidential or exempt information as set out in Part 4 Section A Rule 9 of the Constitution

10A.12 FREQUENCY OF MEETINGS

There shall normally be two ordinary meetings of the Pension Board in each year. The Schedule of meetings shall be decided at the Annual General Meeting of the HFA. In addition, extraordinary meetings may be called at such other times as the Board or Chairperson of the Board may determine.

10A.13 VOTING

(a) Every proposition shall be determined by a show of hands

10A.14 CONFLICT RESOLUTION

In the event that a conflict should arise between the views of the Board in respect of decisions/actions of the Scheme Manager which is not resolved following representations from the Board to the Scheme Manager the matter may be referred to the Scheme Advisory Board or the Pension Regulator for guidance/clarification.

10A.15 ADDITIONAL POWERS

(a) The Board is authorised to investigate any activity within its terms of reference and to seek any information it requires from any employee. All employees are directed to co-operate with any request made by the Board.

(b) The Board is authorised to obtain outside legal or other independent advice and to secure the attendance of non-members with relevant experience and expertise if it considers this necessary, normally in consultation with the Monitoring Officer/Secretary, Chief Fire Officer & Chief Executive and Chairperson of the HFA. However, it may not incur direct expenditure in this respect without the prior approval of the HFA.

10A.16 POWER TO ESTABLISH SUB-COMMITTEE OR PANELS

(a) The Board shall have the power to establish a sub-committee of the Board and any such sub-committee shall be authorised solely to make recommendations to the Board.

(b) The Board shall be entitled to establish such panels or groups as it considers necessary to assist in the discharge of its functions. No delegated authority shall be granted to such a panel and the composition of a panel shall not be confined to the Members of the Board.

10A.17 ANNUAL REPORT AND MINUTES

(a) The Board shall report annually to the HFA upon the discharge of its functions;

(b) Minutes of the Board will be circulated to all Members of the HFA and shall be included as an agenda item on the HFA. Minutes of the Board will be made available in accordance with Part 4 Section B Rule 9 of the Constitution

(c) The Chairperson of the Board or nominated representative will be invited at the discretion of the Chairperson of the HFA to present the minutes at the meeting of the HFA and to respond to any questions that the HFA may have in respect to any matter concerning the Board.

10A.18 AMENDMENTS TO THE TERMS OF REFERENCE

Changes to the terms of reference may only be approved by the full HFA except that minor modifications reflecting changes in legislation or guidance from the Department for Communities and Local Government or the Pensions Regulator may be made by the Monitoring Officer/Secretary at the request of the Pension Board. Any such changes will be reported to the HFA to enable the Constitution to be amended.

PENSION BOARD – APPOINTMENTS PROCESS

1. The following procedures shall generally apply to the appointment of Members to the Board.

Member representatives

2. TWO member representatives:

(a) 1 representative nominated by the representative bodies via the agreement at the Joint Consultative Committee

(b) 1 representative selected from applications by individual HFRS FPS pension members or eligible HFRS FPS members

3. With regard to part 2 (a) above a single nomination will be invited from the Joint Consultative Committee to be determined by the staff side representatives on that Committee. In the event that no eligible nomination is forthcoming the vacancy shall be filled applying the procedure applicable for the appointment of a representative under part 2 (b) above.

4. With regard to part 2 (b) above:

(i). Every member of the scheme administered by the HFA shall be sent a nomination pack by email or post to include the terms of reference and an invitation to nominate themselves as a member representative.

(ii) Any nomination should include information as to how the nominee meets the requirements of the role as set out in the terms of reference and how their appointment would be in the best interests of the purpose of the Board.

(iii) Details of the appointment process shall be posted on the website of the HFA together with instructions for the completion and submission of nomination forms.

(iv) All nominations will be assessed as to their eligibility by the Corporate Management Team who will recommend to the Authority an appointment, or if no nomination is received from the JCC, a second appointment.

Employer representatives

5. TWO employer representatives.

(a) 1 Elected Member

(b) 1 Officer (Director of Public Safety)

6. With regard to part 5 (a) above the HFA will seek nominations from Elected Members for appointment. In the event of there being more than one nominee the matter will be determined at a meeting of the HFA and the Elected Member receiving the greatest number of votes will be appointed.

7. With regard to part 5 (b) above the HFA shall appoint senior officers of the HFA on the recommendation of the Corporate Management Team.

Other members

8. (a) Up to 4* other members may be appointed to the Board in a non-voting capacity by the HFA or the Board by such process as the Authority shall determine.

[* Number to be no greater than the combined number of employer and member representatives]

(b) Any appointments of other members shall have regard to the best interests of the purpose of the Board

