

Public Document Pack



**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

NOTICE OF MEETING

<i>Meeting</i>	Hampshire and Isle of Wight Fire and Rescue Authority	<i>Clerk to the Hampshire & Isle of Wight Fire and Rescue Authority</i> CFO Neil Odin
<i>Date and Time</i>	Wednesday 14th April, 2021 10.30 am	<i>Fire & Police HQ</i> <i>Leigh Road,</i> <i>Eastleigh</i> <i>Hampshire</i> <i>SO50 9SJ</i>
<i>Place</i>	Virtual Teams Meeting - Microsoft Teams	
<i>Enquiries to</i>	<u>members.services@hants.gov.uk</u>	

FILMING NOTIFICATION

This meeting will be broadcast live on the HFRS YouTube channel.

Agenda

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To enable Members to disclose to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in the Authority's register of interests, and any other pecuniary or non-pecuniary interests in any such matter that Members may wish to disclose.

3 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

4 MINUTES OF HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY (SHADOW AUTHORITY) - 10 FEBRUARY 2021 (Pages 5 - 12)

To approve the minutes from the Hampshire and Isle of Wight Fire and Rescue Shadow Authority meeting.

5 MINUTES OF HAMPSHIRE FIRE AND RESCUE AUTHORITY - 10 FEBRUARY 2021 (Pages 13 - 16)

To approve the minutes from the final Hampshire Fire and Rescue Authority meeting, which took place on 10 February 2021.

6 DEPUTATIONS

Pursuant to Standing Order 19, to receive any deputations to this meeting

7 MEMBER DEVELOPMENTS

To receive any updates from Members of the Combined Fire Authority.

8 UPDATES TO HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY (HIWFRA) CONSTITUTION (Pages 17 - 134)

To consider a report from the Monitoring Officer, which seeks the approval of the Authority to a number of minor changes to the Constitution.

9 PENSION CONSIDERATIONS FOR THE COMBINED FIRE AUTHORITY (Pages 135 - 176)

To consider a report from the Chief Financial Officer, which provides an update on the development of key items associated with pension decisions relating to the new Combined Fire Authority.

10 MINUTES FROM THE HFRA STANDARDS & GOVERNANCE COMMITTEE MEETING - 24 FEBRUARY 2021 (Pages 177 - 180)

To receive the minutes of the HFRA Standards & Governance Committee meeting that took place on 24 February 2020.

Chairman's Closing Remarks

11 EXCLUSION OF PRESS AND PUBLIC

To resolve that the public be excluded from the meeting during the following items of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information within Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the reports.

12 **EXEMPT MINUTES FROM THE HAMPSHIRE AND ISLE OF WIGHT
FIRE AND RESCUE AUTHORITY (SHADOW AUTHORITY) - 10
FEBRUARY 2021 (Pages 181 - 184)**

To approve the exempt minute from the Hampshire and Isle of Wight Fire and Rescue Shadow Authority meeting that took place on 10 February 2021.

13 **EXEMPT MINUTE FROM THE HAMPSHIRE AND ISLE OF WIGHT
FIRE AND RESCUE AUTHORITY (SHADOW AUTHORITY)
APPOINTMENT SUB-COMMITTEE MEETING - 15 FEBRUARY 2021
(MEMBERS ONLY)**

To approve the exempt minute from the Hampshire and Isle of Wight Fire and Rescue Shadow Authority Appointment Sub-Committee meeting that took place on 15 February 2021.

ABOUT THIS AGENDA:

This agenda is available through the Hampshire & Isle of Wight Fire and Rescue Service website (www.hantsfire.gov.uk) and can be provided, on request, in alternative versions (such as large print, Braille or audio) and in alternative languages.

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Agenda Item 4

AT A MEETING of the Hampshire & Isle of Wight Fire & Rescue Authority
(Shadow Authority) held virtually on Microsoft Teams on Wednesday, 10th
February, 2021

Chairman:

* Councillor Christopher Carter

- | | |
|--------------------------------|----------------------------------|
| * Councillor Roz Chadd | * Councillor Sharon Mintoff |
| * Councillor Liz Fairhurst | * Councillor Roger Price |
| * Councillor Jason Fazackarley | Councillor David Simpson |
| * Councillor Jonathan Glen | * Councillor Dave Stewart |
| * Councillor Geoffrey Hockley | * Councillor Rhydian Vaughan MBE |

Also present with the agreement of the Chairman: Emeka Ibeh, Home Office and Enzo Riglia from the Police and Crime Commissioners office.

36. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor David Simpson.

37. **DECLARATIONS OF INTEREST**

To enable Members to disclose to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in the Authority's register of interests, and any other pecuniary or non-pecuniary interests in any such matter that Members may wish to disclose.

38. **MINUTES OF PREVIOUS MEETING**

Councillor David Stewart was added to the list of attendees for the February meeting. The minutes of the last meeting were then agreed.

39. **DEPUTATIONS**

There were no deputations for the meeting.

40. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman provided an update on the Fire and Rescue Service's response to the Covid-19 pandemic and the Chief Fire Officer confirmed that teams and organisations across Hampshire and the Isle of Wight had worked exceptionally well together in particular volunteering in support of our health partners. Cllr Dave Stewart, Leader of the Isle of Wight Council, also passed on his thanks to the Fire and Rescue Service teams and NHS for their work.

An update was provided on the HMICFRS virtual inspection of how Services

were responding to the Covid-19 pandemic that took place at the end of 2020 and a summary had been published in January 2021. Three areas for focus were highlighted as well as areas of success and these would be considered as part of the Service's organisational planning. Despite being an interim inspection, the Chief Fire Officer was pleased at the improvement in how staff felt in working for the Service. A further report from HMICFRS on the State of Fire is due mid-March.

Following Wholetime Firefighter recruitment, the Chairman was excited to confirm a good response to the point that a 'talent pool' had been established for future positions that arose due to the number of applicants. There had also been a noticeable increase in women applying for roles, which was a positive step forward as the Service continued to strive in diversifying the workforce.

The Chairman ended his announcements by confirming that the meeting would be the final meeting of the Shadow Authority and the April meeting would be the first formal meeting of the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA). The Authority thanked the Chairman for his leadership.

41. **MEMBER DEVELOPMENTS**

It was confirmed that a virtual Local Governance Association (LGA) conference was taking place between 1-4 March, which Members were welcome to attend.

Councillor Chadd confirmed that the recent Diversity Network meeting had been cancelled.

42. **TRANSFER OF EXISTING APPROVED POLICIES**

The Authority considered a report from the Chief Fire Officer (item 7 in the minute book), which set out existing approved Hampshire Fire and Rescue Authority (HFRA) policies and position statements to be transferred to the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) on 1 April 2021.

The Authority level policies this applied to were highlighted in paragraph 10, and the position statements applicable in paragraph 11, which could be updated in future if it was felt this was necessary.

Members raised a Constitutional governance query relating to quorum for Hampshire and Isle of Wight Fire and Rescue Authority. It was confirmed that the quorum for the Combined Fire Authority would be 50% of Members, including any two of the constituent Authorities.

RESOLVED

a) The Shadow Authority approved the transfer of approved HFRA Policies, Position Statements and the 5 Design Principles to the HIWFRA commencing 1 April 2021.

b) The Shadow Authority supported the continued operation of the established Policy, Procedure and Guidance (PPG) framework for the new CFA.

43. HEALTH, SAFETY AND WELLBEING STATEMENT OF INTENT

The Authority considered a report from the Chief Fire Officer (item 8 in the minute book), which requested approval for the revised Health, Safety and Wellbeing (HSW) Statement of Intent for the HIWFRS on 1 April 2021.

The report set out the priorities of the Statement of Intent and Members were content with the proposals.

RESOLVED

a) the HSW Statement of Intent was approved by the Shadow Authority for display from 1 April 2021.

44. HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE SERVICE SAFETY PLAN YEAR 2 IMPROVEMENTS

The Authority considered a report from the Chief Fire Officer (item 9 in the minute book), which requested approval for the Hampshire and Isle of Wight Fire and Rescue Safety Plan Year 2 improvements.

The report summarised what officers were hoping to achieve in the first year of the Combined Fire Authority and Members were pleased to see Covid impacts and staff wellbeing within the plan as priorities.

RESOLVED

a) The HIWFRA approved the Year 2 Safety Plan improvements.

b) The HIWFRA approved one-off funding of up to £205,000 for 2021/22 to be met from the Transformation Reserve.

45. INTERNAL AUDIT CHARTER & INTERNAL AUDIT PLAN 2021-22

The Authority considered a report from the Chief Internal Auditor (item 10 in the minute book), which provides a copy of the Internal Audit Charter and the proposed 2021/22 internal audit plan for the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA).

The Internal Audit Plan is a risk based plan for Hampshire and the Isle of Wight as well as shared services with Hampshire County Council (HCC) and Hampshire Constabulary. Some areas fell outside of scope of external audit and so were covered internally. Updates and progress reports on the plan would continue to go to Standards & Governance Committee going forward.

Total days invested by Internal Audit for 2021/22 currently stood above average at 200 days, based on the risks identified and the impact of the transition to the

new Combined Fire Authority and also considered elements not reviewed before. The impact on the average days would continue to be monitored over a three-year rolling basis.

RESOLVED

The Internal Audit Charter and Internal Audit Plan for 2021/22 was approved by the Shadow Authority

46. **BUDGET AND PRECEPT REQUIREMENT 2021/22**

The Authority considered a report from the Treasurer (item 11 in the minute book), which presented the 2021/22 forward budget to the Hampshire and Isle of Wight Fire and Rescue Shadow Authority (HIWFRSA) for approval.

It was highlighted that an addendum had been circulated and published that covered updates since the report had been produced, as well as a new set of recommendations for the Authority to consider following the updates.

Pages 67-68 of the pack were discussed, which included the original £2m deficit and the addition of a £500,000 contingency due to the level of uncertainty regarding the ongoing impacts of the Covid-19 pandemic. Following updates, the deficit was amended to £778,000 in the addendum, which will be met from reserves next year.

It was confirmed that the Council Tax increases on page 64 would affect the Isle of Wight more due to aligning with Hampshire (a total of £8.25 including the proposed 1.99% increase for 2021/22), but it was accepted that budgets would need to be kept under review during the first year of the new Combined Fire Authority.

The capital programme had been presented differently to assist with clarity, and included two capital schemes for approval to ensure it was fully up-to-date.

RESOLVED

The Shadow Authority approved:

- a) The use of the Grant Equalisation Reserve to balance the budget for 2021/22.
- b). The Revenue Budget, as set out in Annex 2 to the Addendum.
- c). The Capital Programme and funding as set out in Annex 3 to the Addendum including the addition of £100,000 to purchase new co-responding vehicles.
- d). Funding of up to £2m from the Capital Payments Reserve for the redevelopment of Redbridge Fire Station, to replace prudential borrowing which would be swapped to fund other capital schemes.
- e). The Reserves Strategy as set out in Annex 4 to the Addendum.
- f). The Treasury Management Strategy as set out in Appendix E to the main

agenda item, including the Annual Investment Strategy for 2021/22, (and the remainder of 2020/21).

g). Delegated authority to the Chief Finance Officer to manage the Fire and Rescue Authority's investments and borrowing according to the Treasury Management Strategy Statement as appropriate.

h). Delegated authority to the Chief Financial Officer to make any final minor changes to the budget using compensating adjustments to the level of the draw from reserves, in order to balance the overall budget.

i). The Capital and Investment Strategy as set out in Appendix F to the main agenda item for 2021/22 (and the remainder of 2020/21).

j). The Section 25 Report as set out in Appendix G to the main agenda item which should be taken into account by the Shadow Authority in agreeing the budget and council tax (noting the reduced deficit and reduced draw required from the Grant Equalisation Reserve).

k). The council tax requirement for the Authority for the year beginning 1st April 2021 of £49,158,022.

l). That the new Combined Fire Authority's tax be increased by 1.99% above the Alternative Notional Amount set for 2020/21 (£69.06) for the year beginning 1st April 2021 and for the properties in each band, as set out below:

Band A: £46.95
Band B: £54.78
Band C: £62.60
Band D: £70.43
Band E: £86.08
Band F: £101.73
Band G: £117.38
Band H: £140.86

m) That the precepts set out below, totalling £49,158,022 are issued on the billing authorities in Hampshire & Isle of Wight, requiring the payment in such instalments and on such dates set by them and previously notified to the Authority, in proportion to the tax base of each billing authority's area as determined by them.

Basingstoke and Deane Borough Council £4,692,554
East Hampshire District Council £3,620,600
Eastleigh Borough Council £3,364,749
Fareham Borough Council £3,085,151
Gosport Borough Council £1,882,087
Hart District Council £2,891,518
Havant Borough Council £2,919,184
Isle of Wight £3,752,482
New Forest District Council £5,038,471
Portsmouth City Council £3,978,443
Rushmoor Borough Council £2,275,529

Southampton City Council £4,534,917
Test Valley Borough Council £3,543,756
Winchester City Council £3,578,581

Total £49,158,022

47. HIWFRA MEMBERS ALLOWANCES SCHEME 2021/22

The Authority considered a report from the Clerk (item 13 in the minute book), which requested approval to adopt the Member Allowance Scheme (“the Scheme”) set out at Appendix 1 with effect from 1 April 2021 and also recommend that a cross party member working group be established at the Annual Meeting of the Authority in June 2021 to review the Scheme towards and bring recommendations for a new scheme by March 2022.

Members were happy with the report and there were no questions.

RESOLVED

a) That, having had regard to the recommendations of the relevant Independent Remuneration Panels (IRPs), the Shadow Authority agreed to implement the Members’ Allowances Scheme set out at Appendix 1 from 1 April 2021 to 31 March 2022.

b). It was noted that a member working group would be appointed at the Annual Meeting of the HIWFRA in June 2021 to conduct a review of the Members’ Allowances Scheme with recommendations for a new Scheme to be brought back to the Authority by 31 March 2022.

48. TERMS OF REFERENCE FOR HIWFRA FIREFIGHTERS PENSION BOARD AND MEMBERSHIP OF THE BOARD

The Authority considered a report from the Clerk (item 12 in the minute book), which requested approval for the Terms of Reference of the Firefighters’ Pension Board for the new Combined Fire Authority of Hampshire and the Isle of Wight (HIWFRA) which will come into effect from the 1 April 2021.

This would allow the new CFA to set up a Pension Board to take place in April and also permit Isle of Wight Members to join along with the current Hampshire Fire & Rescue Authority Members.

Going forward, the Pension Board would become a Hampshire & Isle of Wight Board and have a cross section of Scheme and Employer representatives from across the Combined Fire & Rescue Service.

RESOLVED

a) The Shadow Authority approved the proposed Terms of Reference for the HIWFRA Firefighters’ Pension Board as set out at Appendix A.

b). The Shadow Authority approved the membership of the HIWFRA Firefighters' Pension Board as set out in paragraphs 6 - 7 of the report, and appointed the representatives set out in paragraph 7 above for 4-year terms, to take effect from the 1 April 2021 in accordance with the HIWFRA Firefighters' Pension Board Terms of Reference as set out at Appendix A

49. **HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY
STATUTORY OFFICER APPOINTMENTS**

The Authority considered a report from the Chief Fire Officer (item 13 in the minute book), which requested approval from the Hampshire and Isle of Wight Fire and Rescue Shadow Authority to appoint the Chief Fire Officer (CFO) to ensure the general administration of the new combined Hampshire and Isle of Wight Fire & Rescue Authority (HIWFRA) from 1 April 2021, along with appointing a Monitoring Officer.

The history of the proposals were summarised and Members were pleased to see that the Combined Fire Authority would be more independent.

RESOLVED

a) The appointment of the Chief Fire Officer, to ensure the administration of the new combined Hampshire and Isle of Wight Fire & Rescue Authority, was approved by the Shadow Authority for commencement on 1 April 2021.

b) The appointment of Hampshire County Council's Deputy Head of Legal Services, Paul Hodgson, as Monitoring Officer was approved by the Shadow Authority for commencement on 1 April 2021.

c) The appointment of Rob Carr as Chief Financial Officer and Section 151 officer was approved by the Shadow Authority for commencement on 1 April 2021.

d) Consequential changes to the HIWFRA constitution were delegated to the Monitoring Officer and brought to the HIWFRA for approval on 14 April 2021.

50. **EXCLUSION OF PRESS AND PUBLIC**

It was resolved that the public be excluded from the meeting during the following items of business, as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information within Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, for the reasons set out in the reports.

51. **STATION INVESTMENT PROGRAMME (SIP) - RE-PROVISION OF COSHAM
FIRE STATION**

The Authority considered an exempt report from the Chief Fire Officer (item 15 in the minute book) [SEE SUMMARY OF EXEMPT MINUTE]

52. **SERVICE HEADQUARTERS - FLEET MAINTENANCE CENTRE (FMC)
SPRINKLER SYSTEM INSTALLATION**

The Authority considered an exempt report from the Chief Fire Officer (item 16 in the minute book) [SEE SUMMARY OF EXEMPT MINUTE]

53. **DEPUTY CHIEF FIRE OFFICER APPOINTMENT**

The Authority considered an exempt report from the Chief Fire Officer (item 17 in the minute book) [SEE SUMMARY OF EXEMPT MINUTE]

Chairman,

Agenda Item 5

AT A MEETING of the Hampshire Fire and Rescue Authority held virtually on
Microsoft Teams on Wednesday 10th February, 2021

Chairman:

* Councillor Christopher Carter

* Councillor Roz Chadd
* Councillor Liz Fairhurst
* Councillor Jason Fazackarley
* Councillor Jonathan Glen
* Councillor Geoffrey Hockley

* Councillor Sharon Mintoff
* Councillor Roger Price
Councillor David Simpson
* Councillor Rhydian Vaughan MBE

*Present

Also present with the agreement of the Chairman: Councillor David Stewart and Enzo Riglia from the Police and Crime Commissioners office.

312. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor David Simpson.

313. **DECLARATIONS OF INTEREST**

To enable Members to disclose to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in the Authority's register of interests, and any other pecuniary or non-pecuniary interests in any such matter that Members may wish to disclose.

314. **MINUTES OF PREVIOUS MEETING**

Under matters arising, it was noted that fire evacuation procedures were still being looked at, along with connectivity with other Services as part of the Grenfell Tower Inquiry. The minutes of the last meeting were then reviewed and agreed.

315. **DEPUTATIONS**

There were no deputations for the meeting.

316. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that it was the last Hampshire Fire and Rescue Authority (HFRA) meeting after 24 years. The Authority thanked officers and staff of Hampshire Fire and Rescue Service for their work since 1997. Councillor Dave Stewart thanked the Service on behalf of the Isle of Wight for the support and help during the Covid pandemic. Councillor Jonathan Glen also thanked the

current Chairman and previous Chairmen of HFRA for their contributions to the Authority.

317. MEMBER DEVELOPMENTS

There were no updates from Members.

318. TRADING COMPANY

The Authority considered a report from the Chief Fire Officer (item 7 in the minute book) regarding the existing structure of 3SFire Ltd, as a normal trading company limited by shares, and the proposal of 3SFire's board (the Board) that 3SFire should be re-registered as a community interest company (CIC).

The 3SFire Stakeholder Committee (the Stakeholder Committee) discussed the proposal to convert the legal structure to a CIC at their meeting on 11 November 2020. The Stakeholder Committee supported the proposals for the change that are outlined in this report, subject to the approval by HFRA.

It was highlighted that the CIC structure was designed to allow organisations to secure official recognition of a wider social purpose by accepting an obligation to share their prosperity with the community. Social enterprises established as CICs could use their legal status to promote their social mission and were often able to attract grant funding that was not available to "normal" companies, whilst still providing some measure of reward to members.

Members agreed that the change to a CIC structure would make 3SFire Ltd more transparent in how it operated and were supportive of the proposals.

RESOLVED

a) The Hampshire Fire and Rescue Authority approved the conversion of 3SFire Ltd to a community interest company limited by shares to take effect shortly after the start of 2021/22 financial year.

b) The Hampshire Fire and Rescue Authority approved the Articles of Association (Appendix A) to be adopted by 3SFire Ltd on its conversion to a community interest company and the wording of the draft member resolutions at Appendix B.

c) The Hampshire Fire and Rescue Authority approved the change of the name of 3SFire Ltd to "3SFire Community Interest Company".

d) The Hampshire Fire and Rescue Authority authorised the Chairman or Vice Chairman of the Stakeholder Committee to sign the written member's resolutions at Appendix B in order to implement the Authority's decision for conversion to a CIC, with such resolutions to be signed during the week commencing 29 March 2021 and then sent to the Registrar of Companies (together with the application for conversion to a community interest company) within 14 days (as is required by the Companies Acts).

319. **MINUTES FROM STANDARDS & GOVERNANCE COMMITTEE - 17 NOVEMBER 2020**

The Authority received the minutes from the Standards & Governance Committee meeting on 17 November 2020, noting that there had been a very high standard noted by the External Quality Assessment.

320. **EXCLUSION OF PRESS AND PUBLIC**

The exempt minutes were agreed as part of item 3 on the agenda and so the Authority did not go into exempt session.

321. **EXEMPT MINUTE FROM 9 DECEMBER HFRA MEETING (MEMBERS ONLY)**

The minute was agreed along with the open minutes at item 3.

Chairman,

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**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

Full Authority

Purpose: Approval

Date: **14 April 2021**

Title: **UPDATES TO HIWFRA CONSTITUTION**

Report of Monitoring Officer

SUMMARY

1. This report seeks the approval of the Authority to a number of minor changes to the Constitution.
2. Most of the changes are a result of the Authority's decision on 10 February 2021 to delegate democratic functions previously undertaken by the Clerk to the Chief Fire Officer and to appoint Hampshire County Council's Deputy Head of Legal Services as the Monitoring Officer. Other changes are related to the change of status of 3SFire Ltd to a Community Interest Company (CIC), the potential continuation of virtual meetings, the effects of Brexit on procurement legislation and previous decisions of the Authority.

BACKGROUND

3. The Authority adopted a Constitution at its inaugural meeting in June 2020. At that time, and whilst the Authority was operating as a "Shadow Authority", not all parts of the Constitution were applicable until 1 April 2021. All parts of the Constitution are now applicable. This paper recommends some minor amendments to the Constitution, as set out at Appendix A and explained below.

Democratic and Monitoring Officer Functions

4. At its meeting in February 2021, the Authority agreed to delegate the democratic functions that were previously undertaken by the Clerk to the Chief Fire Officer. The Authority also appointed the Deputy Head of Legal Services at the County Council as the Monitoring Officer and delegated

authority to the Monitoring Officer to make consequential amendments to the Constitution, to be brought back to this meeting.

5. In light of the change to the clerking arrangements, all references to the “Clerk” in the previous version of the Constitution have been changed to the “Chief Fire Officer” or “Monitoring Officer” as appropriate in the version attached at Appendix A. These are minor technical changes, which should not have any significant implications for the operation of the Authority.

Change of Status of 3SFire Ltd

6. At its meeting in February 2021, HFRA agreed to 3SFire Ltd becoming a Community Interest Company and changing its name. As a result, references in the Constitution to “3SFire Ltd” have been changed to “3SFire Community Interest Company” to reflect the change in status.
7. Also, the title of the Stakeholder Committee has been changed to “3SFire Community Interest Company Stakeholder Committee” and its Terms of Reference (page 13 Appendix A) have been updated to cross refer to the company’s new Articles of Association.

Changes to Contract Standing Orders

8. Brexit has resulted in some changes to the applicability of EU legislation in respect of public procurement. Therefore, Contract Standing Orders have been amended to reflect this. The substantive processes required under Contract Standing Orders (page 60 Appendix A) have not changed.
9. A minor change has also been made to remove the reference (page 63 Appendix A, paragraph 2.7) to the Chief of Staff’s role in publishing a Corporate Procurement Strategy. The Authority is not required to publish such a strategy and in any event, this is an operational matter that does not need to be referred to in Contract Standing Orders.

Other Minor Amendments

10. The requirement for the Authority to approve virements from an existing employee budget for the appointment of new permanent members of staff (page 7 Appendix A - Authority’s Terms of Reference), has been amended for clarity as this is an operational matter that should sit within the delegations to the Chief Fire Officer. The amendment clarifies that the Authority approves all virements from non-pay budget to pay budget. However, it enables the Chief Fire Officer to approve all spending from within approved pay budgets, which links to the operational independence of the Chief Fire Officer
11. The reference (page 10 Appendix A) in the Authority’s Terms of Reference to appointments to the Local Crime and Disorder Reduction Panels has

been removed in line with a decision of the Authority in 2017. The Authority agreed to delegate local delivery to Officers (Group Managers), with central support from headquarters, to ensure maximum efficiency and effectiveness of the Authority, and therefore no formal Member appointments are required. Again, this links to the operational independence of the Chief Fire Officer.

12. There is an additional annual report listed in the Authority's Terms of Reference (page 11 Appendix A). This annual report aims to demonstrate the commitment to collaboration initiatives and activities across the Service. The addition of this report annually contributes towards meeting the statutory requirements of the Policing and Crime Act 2017 and the Fire and Rescue National Framework. There are also some minor changes to the Standards and Governance Committee's Terms of Reference to refer to scrutiny of alignment to the standards set by the Fire Standards Board (page 13 of Appendix A).
13. The Pension Board's Terms of Reference (page 15 Appendix A) have been updated to the version approved by the Authority at its meeting in February 2021.
14. Standing Orders (page 29 Appendix A) and the Protocol for Filming and Broadcasting (page 97 Appendix A) have been amended very slightly to reflect the potential for virtual meetings to continue. Further amendments may be required depending on further changes to the legislation.
15. The Member Allowance Scheme approved by the Authority at its February meeting has been added at Appendix 1 (page 78 Appendix A) and has replaced the previous version.
16. A new Communications Protocol reflecting the new combined Authority has been added at Appendix 6 (page 105 Appendix A) to replace the previous version.

16.

17. Finally, some minor changes have been made to the "Complaints" form at page 88, to improve the format and streamline the process for submitting a complaint and also to the Protocol for Member – Officer Relations (page 103) to reflect the current approach to Member Development.

RESOURCE IMPLICATIONS

17. There are no financial or resource implications from the contents of this paper.

IMPACT ASSESSMENTS

18. There are no specific equality or other impacts arising from the proposals contained in this paper.

LEGAL IMPLICATIONS

19. The Authority's Constitutional arrangements should be kept up to date in order to ensure lawful decision making and good governance. The proposals in this paper ensure that the Authority's Constitutional arrangements are up to date and compliant with Local Government legal requirements.

OPTIONS

20. Option 1 (Recommended) – That HIWFRA approves and adopts the amended version of the Constitution at Appendix A.
21. Option 2 – That HIWFRA does not approve the amended version of the Constitution at Appendix A.

RISK ANALYSIS

22. Option 1 ensures that the Authority's Constitution is up to date and reflects the current operation of the Authority and so is the preferred option.
23. Option 2 would mean the Authority has a Constitution that is not up to date and does not reflect the current operation of the Authority. It could therefore create some flaws in the Authority's governance arrangements and ultimately lead to challenges to decision making.

CONCLUSION

24. Option 1 is recommended, as this will ensure the Authority's Constitution is up to date and reflects the current operation of the Authority. This will ensure good governance and will also minimise the risk of challenge to the Authority's decision making.

RECOMMENDATION

25. That the Authority approves and adopts the updated version of the Constitution attached at Appendix A.

APPENDICES ATTACHED

26. Appendix A – updated version of HIWFRA's Constitution

Contact: Paul Hodgson, Monitoring Officer Paul.hodgson@hants.gov.uk

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**Hampshire
& Isle of Wight**

FIRE & RESCUE AUTHORITY

HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY

CONSTITUTIONAL AND GOVERNANCE DOCUMENTS

April 2021



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Part 1 - Introduction and Background

1.1 Purpose of Constitution

The purpose of this constitution is to set out in a single place and in clear language how Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) (“the Authority”) works and how it makes decisions.

1.2 Background

The Authority is a combined fire and rescue authority constituted under s2 of the Fire and Rescue Services Act 2004. It covers the administrative areas of Hampshire County Council, Isle of Wight Council, Portsmouth City Council and Southampton City Council. It is made up of elected members from Hampshire County Council (HCC), Isle of Wight Council (IWC), Portsmouth City Council (PCC), and Southampton City Council (SCC).

The Authority is a statutory corporation, which means it is a body created by government legislation. A statutory corporation can only do things it is specifically authorised to do by legislation or law.

Under Part 2 of the Fire and Rescue Services Act 2004, the Authority is responsible for carrying out the following functions:

- Fire safety – the promotion of fire safety in the Authority’s geographical area.
- Fire-fighting – extinguishing fires and protecting property and life in the Authority’s geographical area.
- Road Traffic Accidents - Rescuing people in the event of road traffic accidents (referred to within the Service as “road traffic collisions” or “RTCs”) and protecting people from serious harm in the event of road traffic accidents in the Authority’s geographical area, to the extent considered reasonable.
- Emergencies – such functions as the Secretary of State confers relating to emergencies other than fires and road traffic accidents in the Authority’s geographical area.



The Authority also has wide powers under the Fire and Rescue Services Act 2004 to do anything it considers appropriate for the purposes of carrying out its functions and anything it considers appropriate for purposes indirectly incidental to or connected with its functions.

The Authority is funded through the Council Tax precept.

1.3 Structure and Responsibility for Decision Making

Structure

The Authority is made up of elected members from its constituent authorities in proportion to the number of electors in each constituent authority, as set out in section 2 below.

Decision Making

The Authority meets 6 times per year. Its role is to take decision on strategic and policy matters and establish the framework within which the Hampshire and Isle of Wight Fire and Rescue Service operates, in accordance with its Terms of Reference which are set out in Part 3.1 of the Constitution. The procedures governing the Authority's meetings and the decisions it makes are set out in Standing Orders at Part 4.1 of the Constitution.

The Authority has two standing committees – Standards and Governance Committee ("S&GC"), which is responsible for audit and scrutiny functions in accordance with its terms of reference and the 3SFire CIC Stakeholder Committee which exercises the Authority's functions as shareholder of 3SFire.

The Authority is able to establish sub-committees of the Authority for a wide range of purposes and can delegate responsibility for taking certain decisions to sub-committees. The Authority is not able to delegate decisions to the Chairman or any other single member of the Authority.

The Authority has established a Scheme of Delegation. This delegates responsibility for a wide range of decisions relating to operational delivery to officers.

The Authority is able to delegate specific decisions to the Chief Fire Officer (or other officers) and can delegate authority to an officer to make a decision "in consultation" with the Chairman or other elected members.



Therefore, all decisions will be taken either by:

- The Authority at one of its meetings (on all matters that have not been delegated to the S&GC, to another sub-committee or to officers through the Scheme of Delegation or otherwise); or
- The Standards and Governance Committee (on matters within S&GC's terms of reference); or
- The 3SFire CIC Stakeholder Committee (on matters within its terms of reference); or
- A sub-committee of members to which the Authority has delegated responsibility for a decision; or
- By officers pursuant to the Scheme of Delegation; or
- By officers where a specific delegation has been given by the Authority, the Standards and Governance Committee, or the 3SFire CIC Stakeholder Committee.

Authority Policy Advisory Group

The Authority has an Authority Policy Advisory Group (APAG) made up of Senior Officers and Members. APAG does not make any decisions, but acts as a forum for Authority Members and Officers to informally discuss and consider the future strategic direction of Authority and Service policy. APAG meets six times per year in between Authority meetings. APAG meetings are open to all Members and are chaired by the Chief Fire Officer. Responsibility for APAG's terms of reference is delegated to the Chief Fire Officer in consultation with Members.

1.4 The Authority's Vision

Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) is committed to ensuring that Hampshire and the Isle of Wight have an efficient and effective fire and rescue service which makes life safer for everyone.

1.5 The Authority's Policy Framework

The Authority's Policies [and Position Statements](#) are contained within the Policy Framework which can be found on the HIWFRA internet pages



Part 2 – Members of the Authority

2.1 Composition

The Authority is made up of elected members from its constituent authorities in proportion to the number of electors in each constituent authority. The current membership is 11, comprising 8 members from Hampshire County Council, 1 from Isle of Wight Council, 1 from Portsmouth City Council, and 1 from Southampton City Council. From 1 April 2021 the maximum number of members is 25.

2.2 Appointments/election cycle

Constituent authorities make appointments to the Authority at their own full Council meetings (their annual meeting) in accordance with their own Council's political proportionality. A member ceases to be a member of the Authority if they cease to be an elected member of their appointing constituent authority. Any vacancy on the Authority is appointed to by the relevant constituent authority at its next full Council meeting.

2.3 Roles and functions of Members

Members of the Authority provide political leadership and set the strategic direction for the Service, representing the electorate. Their primary formal function is to participate in and vote on decisions at meetings of the Authority. This includes, in particular, annually setting the council tax precept and agreeing a number of other strategies and policies. The Authority elects individual members to the roles of Chairman and Vice-Chairman of the Authority and makes appointments of Members to any Committees or sub-committees it chooses to establish.

Part 3 – Arrangements to Perform Functions

3.1 Full Authority Terms of Reference

The Authority meets 6 times per year, or such as the Authority decides. The Authority's role is to take decisions on strategic and policy matters and establish the framework within which Hampshire and Isle of Wight Fire and Rescue Service operates.

In considering all matters and in particular in reaching decisions the Authority shall take into account the impact on equalities and on the environment and climate change. Decisions shall be taken with regard to the financial sustainability of the Authority and be underpinned by a commitment to health and safety.

Meetings of the Authority will be conducted in accordance with Standing Orders.

Specific matters upon which the Authority will make decisions include, but are not limited to, the following non exhaustive list:

Finance

- To annually determine a revenue budget and capital programme for the Authority and the level of Council Tax precept for the forthcoming financial year.
- To monitor and approve the Authority's medium term financial plan and any proposal to amend the budget.
- To monitor and approve the Authority's treasury management strategy.
- To consider monitoring reports against the Authority's agreed revenue budget and capital programme and to consider and approve the annual budget outturn position as set out in the Authority's final accounts.
- ~~_____~~ To approve budget virements over £200,000.
- ~~_____~~ To approve all virements from non-pay budget to pay budget.
- To approve amendments of direct revenue funding or the use of balances.
- To approve the write-off of any debt over £10,000.
- To approve one-off expenditure funded from reserves in excess of £200,000.

- To approve the appointment of external audit providers in accordance with the Authority's Financial Regulations.
- To agree and approve procedures for carrying forward under-spends on budget headings.
- To approve potential capital schemes with cost in excess of £1,000,000 before any expenditure is committed.

Assets

- To consider and approve the sale and purchase of land or buildings with a value greater than £250,000, or the disposal of land or buildings by way of lease or license for a period greater than 10 years or at a value greater than £100,000 per annum. For the avoidance of doubt, in exceptional circumstances, the Chief Fire Officer is authorised, following consultation with the Chairman and Chief Financial Officer to pay a deposit of up to £250,000 to secure the Authority's interest in the prospective purchase of land or buildings in circumstances where a decision to pay a deposit cannot wait until the next meeting of the Authority. In these circumstances the payment of the deposit will be reported to the next meeting of the Authority and any consequent decisions regarding proceeding with the transaction will be made by the Authority.

Approval of Strategies and Policies

To review and approve significant strategies and policies, including:

- the Integrated Risk Management Plan
- the Medium Term Financial Plan
- ~~Approve~~ Authority Policies [and Position Statements](#)
- any other significant policies and strategies considered appropriate by the Chairman of the Authority or the Chief Fire Officer.

Risk and Performance Management

- To consider and approve the Risk Management Policy and receive reports on risk management.
- To regularly monitor performance against priorities and aims of the Safety Plan
- To consider and approve the Authority's insurance arrangements.
- To consider and approve the Health and Safety Statement of Intent for signature by the Chief Fire Officer and Chairman of the Authority

People and Leadership

- To be responsible for the process of recruitment, appointment and dismissal of the Chief Fire Officer and the Deputy Chief Fire Officer.
- To appoint to the positions of Monitoring Officer and Chief Financial Officer to the Authority as 'Proper Officers' as set out in the Authority's Scheme of Delegation, Financial Regulations and relevant legislation.
- To consider and approve the annual Pay Policy Statement for publication, in accordance with the Localism Act 2011.
- To complete the process required under the national terms and conditions of service for Principal Officers (Gold Book) for the annual review of performance and determination of local pay awards. For these purposes, the Authority shall establish a member working group to act as a Principal Officer Pay Group to provide recommendations to the Authority.

Governance

- To agree and adopt a Constitution for the Authority including the following elements and approve any revisions or replacements:
 - Standing Orders
 - Committee Terms of Reference
 - Contract Standing Orders
 - Scheme of Delegation
 - Financial Regulations
 - Code of Conduct for Members, including Member role profiles
 - Arrangements to be applied for the investigation and determination of allegations of a failure to comply with the Code of Conduct for Members and co-opted Members

- To make appointments of members to committees, sub committees or working groups of the Authority.
- To make appointments to the position of Chairman and Vice-Chairman of the Authority and committees/sub committees or working groups.
- To make appointments to the Authority's Pension Board.
- To appoint an Independent Person to the Authority in accordance with the Localism Act 2011.
- To appoint members to the 3SFire CIC Stakeholder Committee.
- To appoint to such other Member roles as the Authority determines from time to time.
- To consider and approve a scheme for the payment of Members' Allowances in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003
- ~~To appoint Members of the Authority to local Crime and Disorder Reduction Partnerships.~~

Scrutiny

- To carry out joint Member/Officer pre and post implementation scrutiny of any major project, scheme or significant decision taken by the Authority or its Committees.
- To consider outcomes of corporate projects and initiatives.
- To receive a report on any matter considered appropriate by the Chairman (or in their absence the Vice-Chairman) of the Authority or the Chief Fire Officer, Chief Financial Officer and Monitoring Officer.
- To consider and approve the settlement of claims by or against the Authority in legal proceedings with a value greater than £100,000.
- To agree action in relation to 3SFire CIC as the shareholder and to have oversight of other commercial activity.
- To receive reports on urgent Financial actions taken by the Chief Financial Officer in consultation with the Chairman of the Authority and Chief Fire Officer in accordance with the Authority's Financial Regulations.

- To receive an annual report demonstrating the commitment to collaboration initiatives and activities across the Service.

When necessary, the Fire Authority will establish a working group to enable the fulfilment of any of the above.

3.2 Full Authority Timetable

The Authority's timetable of meetings for the coming year can be found on the Authority's website.

3.3 Standards and Governance Committee - Terms of Reference

Standards and Governance Committee shall comprise of 5 Members of the Authority or such other number as the Authority determines each year at the Annual Meeting of the Authority. Appointments to Standards and Governance Committee shall be made each year at the Annual Meeting of the Authority.

Standards and Governance Committee's terms of reference are:

Standards

- To oversee the discharge of the Authority's duty to promote and maintain high standards of conduct by Members and co-opted Members through:
 - Promotion of training and advice on the Code of Conduct and other relevant protocols
 - Making recommendations to the Authority on the revision or replacement of its Code of Conduct
 - Making recommendations to the Authority on the arrangements to be applied for the investigation and determination of allegations of a failure to comply with the Code of Conduct for Members and co-opted Members, including the appropriate involvement of the Independent Person
- To oversee the recruitment of an Independent Person or Persons to the Authority and make a recommendation to the Authority for their appointment.
- To consider and determine any allegation of a failure to comply with the Code of Conduct in accordance with such arrangements described above.

- To consider and determine any application by a Member or co-opted Member for the grant of a dispensation under Section 33 Localism Act 2011, relieving the restrictions on participation in, and voting on, a matter in which the Member or co-opted Member has a disclosable pecuniary interest
- To review the Members' Allowances Scheme in accordance with applicable law and make recommendations to the Full Authority about the scheme.
- To act as the Authority's appeal body for appropriate categories of employees in accordance with agreed policies where it is not possible for an appeal to be heard by officers.

Governance

- To consider and approve the annual Statement of Accounts and the Annual Governance Statement incorporated within it, in compliance with the statutory deadline
- To consider and approve the annual Assurance Statement

Audit

- To consider reports from the Chief Financial Officer on internal audit strategy, planning and delivery and to approve the internal audit plan.
- To receive the annual opinion of the Internal Auditor.
- To consider the External Auditor's management letter to the Authority and any reports from the external auditor and make recommendations to the Authority as necessary.

Risk Management

- To receive and review the annual monitoring of the Organisational Risk Register.

Scrutiny

- To consider the report of any inspection of the Service and make recommendations as required.
- To provide scrutiny, where appropriate, on the extent to which the Service is aligned with standards from the Fire Standards Board.

Pension Board

- To act as the Scheme Manager for the Hampshire Firefighters Pension Fund.

Members of the Standards and Governance Committee will establish a working group if required to enable the fulfilment of any of the above.

3.4 Standards and Governance Committee Timetable

Standards and Governance Committee's timetable of meetings for the coming year can be found on the Authority's website.

3.5 3SFire CIC Stakeholder Committee – Terms of Reference

Introduction

Hampshire and Isle of Wight Fire and Rescue Authority ("[HIWFRA](#)" and/or "the Authority") is the sole shareholder of 3SFire CIC ("the Company"). The Company is a local authority Community Interest Company. [HIWFRA- The Authority](#) has delegated all shareholder functions, except insofar as these are expressly reserved, to a committee of the Authority known as the "3SFire CIC Stakeholder Committee" ("the Committee").

The Authority accepts and understands that the directors of the Company ("the Directors") are responsible for the management of the Company's business, subject to the powers that are reserved to the Company's shareholder by statute and/or the Company's Articles of Association ("the Articles"), further details of which appear below.

Composition

The Committee will be made up of 5 members of HIWFRA, appointed according to the overall proportionality of HIWFRA.

The Committee members (including the Chairman and Vice Chairman of the Committee) will be appointed by HIWFRA at its Annual General Meeting and/or at other times of the year as required.

Role of the Committee

The day to day direction and management of the Company will solely be a matter for the Directors (and for the executive directors to the extent of their delegated authority to bind the Company).

The Committee shall, without in any way issuing directions or instructions to the Directors in respect of the day to day business of the Company, undertake the shareholders' functions. This includes those functions that: (a) are expressly delegated to shareholders; (b) are to be exercised by the shareholders by operation of law; and/or (c) are expressly reserved in the Articles to HIWFRA, but excludes the shareholder functions reserved to the Authority as set out later in these Terms of Reference.

Specifically, and without limitation, the Committee's functions shall include:

1. Appointing and removing Directors;
2. Reviewing and amending the Articles;
3. Exercising the "Shareholders' reserve power" pursuant to Article 9 , and under which "the shareholders may, by special resolution, direct the directors to take, or refrain from taking, specified action";
4. Receiving reports from the Directors in relation to the following:
 - a. proposed resolutions, approvals and actions;
 - b. the Company's accounts;
 - c. the Company's business plan; and
 - d. such other matters as the Committee determines from time to time;
5. Discharging the shareholders' voting rights and responsibilities at General Meetings of the Company and/or as required by law. (NB As a corporate member, HIWFRA has authorised the Chairman and/or Vice Chairman of the Committee to act as HIWFRA's authorised representative at General Meetings of the Company pursuant to Article 42 of the Company's Articles and section 323 Companies Act 2006. Further, HIWFRA also expressly authorises the Chairman and/or Vice Chairman of the Committee to sign any resolution or other document necessary to implement any decision of the Committee. Any such resolution or document that is duly signed by the Chairman or Vice Chairman shall be deemed to be signed by HIWFRA as shareholder).
6. Exercising the Authority's financial controls over the Company pursuant to Article 67 of the Company's Articles, including providing such consents as may be required.

Deferral to the Authority

Whilst there are no functions reserved for the Full Authority, the Stakeholder Committee can choose to defer any decision if it is deemed large scale and/or particularly contentious.

Meetings

The Committee will meet at least two times per year. The Chairman may convene other meetings of the Committee as required.

Quorum

The quorum of the Committee shall be in accordance with the Authority's Constitution.

Publication of Information

Notice of the Committee's meetings, the agenda, papers and minutes will be published on the Authority's website in accordance with the Authority's Constitution and obligations under relevant local government law.

3.6 Terms of Reference for the Pension Board of the Hampshire and Isle of Wight Firefighter's Pension Scheme

1 Introduction

- 1.1. Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) has established a Pension Board in accordance with the requirements of the Public Service Pensions Act 2013.

2 Role and Powers of the Hampshire and Isle of Wight Firefighter's Pension Board

- 2.1. The role of the Board is to:
 - Assist HIWFRA as the administering authority of the Hampshire and Isle of Wight Firefighter's Pension Scheme (HIWFFPS):
 - to secure compliance with the Firefighter's Pension Scheme (FFPS) Regulations and any other legislation relating to the governance and administration of the FFPS.
 - to secure compliance with requirements imposed in relation to the FFPS by the Pensions Regulator.
 - To ensure the effective and efficient governance and administration of the HIWFFPS by the Authority.
 - To consider how discretionary and other pension related issues are being addressed from an operational viewpoint.
 - To present an annual report to the Authority on the exercise of its functions.
- 2.2. The Board shall have the power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions.

3 Members of the Hampshire and Isle of Wight Firefighter's Pension Board

- 3.1. The Board shall initially consist of 8 members and be constituted as follows:

4 employer representatives;
4 scheme member representatives;

- 3.2. The Chairman of the Board will be elected by the Board, from amongst its number at the first meeting of the Board following the Annual General Meeting (AGM) of the HIWFRA in each year. Should the Board meet prior to the AGM in 2021, the Chairman will be elected by the Board, from amongst its number at its inaugural meeting, until the first meeting of the Board after the AGM in 2021.
- 3.3. With regard to 3.4, the Vice Chairman of the Board will be elected by the Board from amongst its number at the first meeting of the Board following the Annual General Meeting (AGM) of the HIWFRA in each year. Should the Board meet prior to the AGM in 2021, the Vice-Chairman will be elected by the Board, from amongst its number at its inaugural meeting, until the first meeting of the Board after the AGM in 2021.
- 3.4. If the Chairman is a scheme member representative then the Vice Chairman will be an employer representative and vice versa.
- 3.5. The employer representatives will be appointed by the Authority at any time during the year.
- 3.6. Scheme member representatives will be appointed by the Authority, at any time during the year, in accordance with the recruitment policy agreed by the relevant Committee with responsibility for Scheme Management. They must be active, deferred or pensioner members of the FFPS. Where possible, and subject to suitable applications being received, scheme members will be appointed from both the Hampshire and Isle of Wight geographical areas.
- 3.7. The term of office of the Chairman and Vice Chairman will be one year, but either can be re-elected by the Board up to a maximum of four years.
- 3.8. Each employer representative and scheme member representative so appointed shall serve for a fixed four-year period which can be extended for a further period of four years.
- 3.9. Employer representatives and scheme member representatives will remain as members of the Board during their appointed term of office unless they become incapable of acting, cease to represent their constituency, resign by giving written notice to the Chairman of the HIWFRA or are removed from the Board pursuant to Paragraph 4 of the Board's Code of Conduct.
- 3.10. Employer representatives and scheme member representatives may also be removed from office during their term of appointment by a majority decision of a quorate meeting of the HIWFFPS Board if they do not comply with the requirements of paragraph 3.9. The removal of any Board member also requires the agreement of the HIWFRA.

- 3.11. Each Board member should endeavour to attend all Board meetings during the year and is required to attend at least half of the meetings held in each year.

4 Quorum

- 4.1. Half of the members of the Board will represent a quorum for Board Meetings.
- 4.2. In the absence of both the Chairman and the Vice-Chairman the members of the Board shall appoint a Chairman for that meeting who shall while presiding have any power or duty of the Chairman in relation to the conduct of the meeting.

5 Advisers to the Board

- 5.1. The Board will be supported in its role and responsibilities by officers of the HIWFRA and it will consult with such officers to help better perform its duties. In the event that specialist professional advice is not available from the officers of the HIWFRA then the Board may ask the Chief of Staff to seek independent professional advice through the appointment of advisers on their behalf, subject to financial and legal considerations.

6 Knowledge and Skills

- 6.1. A member of the Board must be conversant with:
- The legislation and associated guidance of the FFPS.
 - Any document recording policy about the administration of the FFPS which is for the time being adopted by the HIWFRA.
- 6.2. A member of the Board must have knowledge and understanding of:
- The law relating to pensions, and
 - Any other matters which are prescribed in regulations.
- 6.3. A member of the Board representing employers or scheme members must have the relevant experience and capacity to represent employer and scheme members respectively on the Board.
- 6.4. Notwithstanding the requirements set out above, it is anticipated that training will be given to Board Members to help them fulfil their role and to keep them updated on changes in the FFPS.

7 Board Meetings

- 7.1. Meetings of the Board will be conducted in accordance with the Standing Orders of the HIWFRA and for all purpose including but not limited to notice of

meetings, publication of agendas and reports, recording and publication of minutes of meetings and consideration of urgent items meetings of the Board shall be treated as if they were a meeting of a Committee of the HIWFRA.

- 7.2. There will be a minimum of two Board meetings a year and the Chairman of the Board, with the consent of the Board may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone or video conferencing and e-mails.

8 Voting

- 8.1. Each member of the Board will have an individual vote and items will be decided by a simple majority of members attending the meeting but it is expected the Board will as far as possible reach a consensus. The Chairman shall determine when consensus has been reached.
- 8.2. Where consensus is not achieved, this should be recorded by the Chairman who shall then have a casting vote.
- 8.3. In support of its core functions, the Board may make a request for information from the Scheme Manager, with regard to any aspect of the scheme manager's function. Any such request should be reasonable complied with in both scope and timing.
- 8.4. In support of its core functions the Board may make recommendations to the Scheme Manager which should be considered and a response made to the Board on the outcome within a reasonable period of time.

9 Standards of Conduct

- 9.1. The role of Board members requires the highest standards of conduct and therefore the 'seven principles of public life' apply to all Board members, these are:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership
- 9.2. The Code of Conduct for Board Members set out in Annex A shall apply to all members of the Board. Members of the Board who are also a member of other authorities also remain bound by the Member's Code of Conduct of their own authority.

10 Publication of Pension Board Information

10.1. Up to date information will be posted on the Authority's website showing:

- The names and information of the Board members.
- How the scheme members are represented on the Board.
- The responsibilities of the Board as a whole.
- The full terms of reference and policies of the Board and how they operate.
- The Board appointment process.
- Who each individual Board member represents.
- Any specific roles and responsibilities of individual Board members.

11 Accountability

11.1. The Board will be collectively and individually accountable to the relevant Committee with responsibility for Scheme Management and the Authority.

12 Reporting Breaches

12.1. Any potential or actual Breach that comes to the attention of the Board shall be dealt with in accordance with the Protocol for Reporting Breaches agreed from time to time between the Board and the Authority.

13 Expense Reimbursement

13.1. No basic allowance is payable to Board members although employer and scheme member representatives shall be entitled to claim Travelling Allowances on the terms set out in the then current Member's Allowance scheme, or HFRS employees' scheme as appropriate.

14 Definitions

14.1. The undernoted terms shall have the following meaning when used in this document:

<i>Breach</i>	Means non-compliance with a duty relevant to the administration of the FFPS which is likely to be of material significance to the Pensions Regulator in the exercise of any of its functions
<i>'Hampshire and Isle of Wight Firefighter's Pension Board', 'Fire Pension Board',</i>	Means the Pension Board of Hampshire and Isle of Wight Fire and Rescue Authority for the Hampshire and Isle of Wight Firefighters

<i>'Pension Board' or 'Board'</i>	Pension Scheme as required under the Public Service Pensions Act 2013.
<i>'HIWFFPS', 'FFPS' or Regulations</i>	The Firefighter's Pension Scheme as constituted by the Firefighter's pension scheme 1992, as amended, the Firefighter's Pension Scheme 2006, as amended and the Firefighter's Pension Scheme Regulations 2014 as amended.
<i>'Scheme'</i>	Means the Firefighter's Pension Scheme as defined under 'HIWFFPS' above.
<i>'Scheme Member'</i>	Means active, deferred or pensioner members of the Firefighter's Pension Scheme

15 Interpretation

- 15.1. Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Authority's Monitoring Officer.

Annex A

Code of Conduct for Members of the Hampshire and Isle of Wight Firefighter's Pension Board Members

1. Introduction

This Code of Conduct for the Hampshire and Isle of Wight Firefighter's Pension Board has been adopted by the HIWFRA pursuant to its statutory duty to appoint a Pension Board for the HIWFFPS.

This Code applies to members of the Hampshire and Isle of Wight Firefighter's Pension Board when acting in their capacity as members of the Board. For the avoidance of doubt, members of the Board who are also members of other authorities also remain bound by the Member's Code of Conduct of their own authority.

This Code is based on and is consistent with the principles of;

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty and
- Leadership

2. Obligations of Members of the Board

As a Member of Hampshire and Isle of Wight Firefighter's Pension Board, your conduct will address the principles of the Code of Conduct by:

- a. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing the interests of the HIWFFPS, or the good governance of the HIWFFPS in a proper manner.
- b. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.
- c. Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the HIWFRA (or those acting on their behalf), taking all relevant information into consideration, remaining objective and making decisions on merit.

- d. Being accountable for your decisions and co-operating when scrutinised internally and externally.
- e. Contributing to making the Board's decision-making processes as open and transparent as possible.
- f. Restricting access to information when the wider public interest, the Board's Terms of Reference or the law requires it.
- g. Valuing your colleagues and Officers of the HIWFRA and engaging with them in an appropriate manner.
- h. Always treating all people with respect and propriety.

3. Conflicts of Interest

- a. No member of the Board may participate in any business of the Board if they have a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board (this does not include a financial or other interest arising merely by virtue of membership of the Scheme or any connected Scheme) ('Conflict of Interest').
- b. All Board members must before becoming a member of the Board declare any potential Conflict of Interest to the Monitoring Officer of the HIWFRA.
- c. After appointment all Board members must within 14 days of becoming aware of any new potential Conflict of Interest declare that potential Conflict of Interest to the Monitoring Officer of the HIWFRA.
- d. A member of the Board must at any time provide the Monitoring Officer of the HIWFRA with such information as he or she requires for the purpose of establishing whether or not the Board member has a Conflict of Interest.
- e. A Board member should disclose any Conflict of Interest in any business of the Board either at the commencement of the meeting, the commencement of the consideration of the item or when the Conflict of Interest becomes apparent.
- f. If a Board member has a Conflict of Interest in any business of the Board then that Member may not participate in any discussion of, vote on or discharge any function in relation to the matter. In addition, the Board member should withdraw from the room where the meeting is being held.

4. Non-Compliance with the Code of Conduct

Any alleged non-compliance with this Code of Conduct shall be referred to the relevant Committee with responsibility for Scheme Management for consideration. In the event that the Committee find that a member of the Board has failed to comply with the provisions of this Code then the Committee may determine that the Member is to immediately cease to be a member of the Board or take such other action as the Committee regard as appropriate. This can include but is not limited to requiring the member to apologise or requiring the member to undertake such training as they feel is appropriate.

3.7 Scheme of Delegation

1. Introduction

- 1.1 This Scheme of Delegation has been approved by Hampshire and Isle of Wight Fire and Rescue Authority (“the Authority”) and was drawn up in consultation with the Chief Fire Officer of Hampshire and Isle of Wight Fire and Rescue Service (the Chief Fire Officer”).
- 1.2 In accordance with the provisions of Section 101 of the Local Government Act 1972 the Authority may, subject to any express provision in any Act of Parliament, arrange for the discharge of any of its functions by a committee, a sub-committee or an officer of the Authority.¹
- 1.3 Where the Chief Fire Officer is authorised to discharge any functions on behalf of the Authority and is for any reason unable to discharge those functions the Authority’s Deputy Chief Fire Officer is authorised to discharge any functions on behalf of the Authority.
- 1.4 Where the Chief Fire Officer or the Authority’s Chief Financial Officer (“Chief Financial Officer”) is authorised to discharge any functions on behalf of the Authority and is for any reason unable to discharge those functions, those authorised to deputise for Chief Fire Officer or the Chief Financial Officer in respect of their office within their local authority may discharge those functions.
- 1.5 Where the discharge of a function is delegated to an officer under this Scheme of Delegation and that officer is for any reason unable to discharge those functions that officer may arrange for the discharge of that function to be undertaken by another officer nominated by him/her. ²
- 1.6 The Authority has appointed a Monitoring Officer and a Chief Financial Officer to the Authority who are responsible for supporting the Chief Fire Officer in the general administration of the Authority. The Chief Financial Officer is also the officer appointed by the Authority to be responsible for its financial affairs.

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1. *A Committee which is authorised to discharge an function on behalf of the Authority may delegate that power to a sub-committee or an officer, where arrangements have been made for a subcommittee to discharge any function it may delegate that function to an officer, arrangements may also be made between two or more fire authorities for the discharge of their functions.*
 2. *The term “officer” refers to people appointed to posts within the Authority. They may be directly employed or working for the Authority under Service Contracts, SLA or other arrangements.*

- 1.7 Various duties are conferred by legislation on the “Proper Officer” of the Authority. The term proper officer in relation to any person is interpreted as meaning the officer appointed for that purpose by the Authority or if not specifically appointed, the Monitoring Officer, Chief Financial Officer or Chief Fire Officer as appropriate. For the avoidance of any doubt, the Monitoring Officer, Chief Financial Officer and the Chief Fire Officer (where stated) are appointed as Proper Officers for the purposes set out in the table in the Annex hereto.
- 1.8 For the purposes of the Proper Officer provisions referred to in the Annex hereto the deputy to the Monitoring Officer, the Deputy Chief Financial Officer, and/or Deputy Chief Fire Officer are authorised to act in the event of the Monitoring Officer, Chief Fire Officer or Chief Financial Officer being unable to act as the Proper Officer.

2. The Chief Fire Officer

- 2.1 The Chief Fire Officer is authorised to act on behalf of and exercise all the powers of the Authority, except for those matters specifically reserved for decision by the Authority, its Standards and Governance Committee or its 3SFire CIC Stakeholder Committee as set out in the Terms of Reference of the Authority and the Terms of Reference of the Committees, provided that any such action is in accordance with relevant legislation, the policies laid down by the Authority, the Authority’s approved budget and the Authority’s Constitution, in particular the Authority’s Financial Regulations.

3. The Monitoring Officer

- 3.1 The Authority is required to appoint an officer to perform the functions of the “Monitoring Officer” under Section 5 of the Local Government and Housing Act 1989 (“the Act”).
- 3.2 In accordance with the provisions of Section 5 of the Act the Monitoring Officer is required to prepare a report to the Authority with respect to any proposal, decision or omission by the Authority, any of its committees, officers or employees which has given rise to, or is likely to, or would give rise to, a contravention of any enactment or rule of law or any code of practice made or approved by or under any enactment.
- 3.3 In performing the duty conferred by Section 5 of the Act the Monitoring Officer will take account of reports made by any other officer and whether a matter is being resolved by other means including other reporting procedures.
- 3.4 The Monitoring Officer in performing the duties arising under Section 5 of the Act is authorised to incur expenditure where this is necessary in seeking advice outside the Authority.

Legal Proceedings

- 3.5 The Monitoring Officer or the Chief Fire Officer are authorised to institute, defend or participate in any legal proceedings in any case where the

institution or defence of such proceedings is necessary to give effect to decisions of the Authority (or any committee, sub-committee or officer) or in any other case where the Monitoring Officer or Chief Fire Officer considers that the institution or defence of or participation in proceedings is necessary to protect the Authority's interests, except for legal proceedings with a value greater than £100,000.

- 3.6 Either the Monitoring Officer or Chief Fire Officer is authorised to take action in connection with the Authority's statutory functions in proceedings in magistrates and crown courts and in any other judicial or quasi judicial proceedings including laying information, making complaints and otherwise representing the Authority.
- 3.7 Where any document will be a necessary step in any legal procedure or legal proceedings on behalf of the Authority it shall be signed by the Monitoring Officer or Chief Fire Officer unless any enactment otherwise requires or authorises, or the Authority gives authority to, some other person for the purpose of such procedure or proceedings. Where any document is to be signed by a Solicitor it shall be signed by the Monitoring Officer or someone authorised to sign on the Monitoring Officer's behalf.

4. The Chief Financial Officer

- 4.1 The financial responsibilities of the Authority's Chief Financial Officer are set out in the Authority's Financial Regulations.

Annex to Scheme of Delegation- Purposes of the Proper Officer

Legislation	Purpose	Proper Officer
Section 100B (2) Local Government Act 1972	Access to Agenda and connected papers	The Monitoring Officer
Section 100 (B) (7) (c) Local Government Act 1972	Determination of whether any reports or parts should be excluded from those Supplied in accordance with a request from any newspaper	The Monitoring Officer
Section 100C (2) Local Government Act 1972	Inspection of minutes and other documents after meetings	The Monitoring Officer
Section 100 D (1) (a) Local Government Act 1972	Compilation of lists of background papers for the report or the part of the report.	The Monitoring Officer and/or the Chief Financial Officer depending on which officer is reporting to the Authority. In the case of joint reports, whose title first appears at the head of the report.
Section 100D (5) (a) Local Government Act 1972	Identification of background papers to reports	The Monitoring Officer and/or Chief Financial Officer (as in previous delegation)
Section 100F(2) Local Government Act 1972	Determining which Documents are available for public inspection	The Monitoring Officer
Section 115 Local Government Act 1972	Responsibility for the receipt of money due from officers	The Chief Financial Officer in respect of officers under Their respective direction and control
Section 229 Local Government Act 1972	Certification of documents	The Monitoring Officer and/or the Chief Financial Officer within delegated powers
Section 234 (1) Local Government Act 1972	Authentication of documents	The Monitoring Officer and/or the Chief Officer
Section 30 Local Government Act 1974	Reports on investigation/ Issued by a Local Commissioner	The Monitoring Officer

Part 4 - Rules of Procedure

This section of the Constitution contains the rules of procedure, responsibilities and governance framework governing decision making by elected members at Authority meetings or Committee meetings and decision making by officers under the Scheme of Delegation.

Section 4.1 contains the Authority's Standing Orders. These set out the rules of procedure that govern meetings of the Authority (i.e. members) and meetings of Committees and Sub Committees.

Section 4.2 contains the Authority's Financial Regulations. These identify the financial responsibilities of Hampshire and Isle of Wight Fire and Rescue Authority, Members, the Chief Fire Officer; the Monitoring Officer; the Chief Financial Officer; and other officers. Financial Regulations set out the responsibilities and framework within which all financial matters relating to the Authority are dealt with.

Section 4.3 contains the Authority's Contract Standing Orders. These set out the administrative procedures that have been adopted by the Authority and must be followed in relation to the procurement and award of contracts for goods, services or works with third parties.

4.1 Hampshire and Isle of Wight Fire and Rescue Authority - Standing Orders

1. Meetings of the Authority

- 1.1 The Authority shall hold an annual meeting between 1 April and 30 June each year. The first items of business on the agenda for the annual meeting shall be the appointment of Chairman and Vice-Chairman for the ensuing year to the next annual meeting.
- 1.2 In addition to the annual meeting of the Authority and any meeting convened by the Chairman or by members of the Authority, meetings for the transaction of general business shall be held on such days as may be determined by the Authority at its annual meeting provided that any such date may be varied at a subsequent meeting.
- 1.3 The Chairman of the Authority may cause a special meeting of the Authority to be called at any time.
- 1.4 A special meeting of the Authority shall be called on the request of at least one quarter of the whole number of members of the Authority by notice in writing and signed by them and given to the Chief Fire Officer or Monitoring Officer and specifying the business for which the meeting is to be called. After receipt of such request, the Chief Fire Officer or Monitoring Officer shall arrange for the special meeting to take place not less than 21 days and not more than 35 days after the receipt of the request.
- 1.5 In these Standing Orders “ordinary meeting” means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chairman or by members of the Authority. Unless otherwise specified, the term “year” means the period from the annual meeting in one calendar year to the start of the annual meeting in the following year.
- 1.6 Unless the Authority otherwise determines, all meetings of the Authority other than a special meeting of the Authority arranged in accordance with Standing Order 1.4 shall be held at 10.00 a.m. All meetings of the Authority, including special meetings arranged under Standing Order 1.4 shall take place on a weekday.
- 1.7 The Police and Crime Commissioner for Hampshire shall be invited to attend the public part of meetings of the Authority and shall be entitled to speak to any of the items on the public agenda during debate under Standing Order 6(1). For the avoidance of doubt, the Police and Crime Commissioner for

Hampshire shall not be a Member of the Authority and shall not have a right to vote on any matter. Standing Order 10 shall apply to the Police and Crime Commissioner for Hampshire when in attendance at meetings of the Authority. Standing Order 19 shall not apply to the Police and Crime Commissioner for Hampshire when in attendance at meetings of the Authority pursuant to the invitation contained in this Standing Order.

- 1.8 The Authority may from time to time appoint deputy members from any of the Constituent Authorities. Duly appointed deputy members may, after giving notice in advance to the Monitoring Officer, deputise for their Authority's substantive member at a meeting of the Authority, in the event their substantive member is unable to attend such meeting. Only a Constituent Authority's substantive member or their deputy member (and not both) may attend and vote at a particular meeting. Standing Orders shall apply to a deputy member when attending a meeting of the Authority in the same way as they apply to substantive members. Deputy Members shall not be entitled to receive allowances under the Authority's Members' Allowance Scheme.

2. Appointment of Committees and Sub-Committees

- 2.1 The Authority shall appoint at its annual meeting such committees or sub-committees as it deems necessary; committees and sub-committees shall meet as and when required.

3. Chairman of the Meeting

- 3.1 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

4. Quorum

- 4.1 At a meeting of the Authority the quorum shall be as set out in the Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020, as amended from time to time.
- 4.2 The quorum for every meeting of a committee or sub-committee of the Authority, unless a special quorum is otherwise prescribed shall be at least one third of the whole number of the committee or sub-committee provided that in no case shall a quorum of a committee or sub-committee be less than three members.

4.3 If within thirty minutes from the time appointed for the commencement of any meeting of the Authority or of a committee or sub-committee a quorum (that is one third of the whole number of members or three members, whichever is the greater) is not present, the meeting may be dissolved.

5. Circulation of Agenda and Confirmation of Minutes of the Authority*

5.1 A copy of the summons and agenda for the forthcoming meeting of the Authority, a committee or sub-committee and the minutes of the previous meeting shall be dispatched by the Monitoring Officer at least five at least six clear days before such forthcoming meetings to each member, and such minutes shall be taken as read when submitted to the Authority for confirmation unless a majority of the members then present otherwise order. Unless similarly ordered, any document which comes up for consideration at any meeting, and which has been ~~printed and~~ circulated to each member at or prior to such a meeting, shall be taken as read.

6. Motions and Amendments Generally*

6.1 After calling each item on the Agenda (other than Minutes) and after any introductory remarks by the Chief Fire Officer or other Officer of the Authority, the Chairman shall first call for questions and after these have been disposed of, shall call "any debate?" A member desiring to ask questions or to debate shall indicate by raising his/her hand.

6.2 If there is no debate, the Chairman shall put the ~~printed~~ Recommendation to the vote, or in the case of an item for information only, that it be noted and no seconder shall be required.

6.3 A member shall not, without the permission of the Chairman, speak more than once on any motion or amendment except on a point of order or by way of personal explanation.

6.4 Where the Agenda item contains a Recommendation, it shall be deemed at the commencement of debate on that item, unless the Chairman indicates otherwise, that the Recommendation has been formally moved by him/her and seconded and any subsequent motion shall be treated as an amendment to the Recommendation.

6.5 The Chairman may require the mover of a motion or amendment to put the same into writing and submit it to the Chair before speaking about it. Subject to this, no motion or amendment shall be debated until the mover has spoken to it and it has been seconded.

6.6 A member may not propose or second a motion or amendment on which he/she is disqualified from voting, and neither may a member move or second more than one amendment on the same motion.

7. Motions Affecting Persons Employed by the Authority*

- 7.1 If any matter arises at a meeting of the Authority, or a committee or sub-committee as to the appointment, promotion, dismissal, salary, superannuation, condition of service or the conduct of any person employed by the Authority, such matter shall not be the subject to discussion until the Authority, committee or sub-committee, as the case may be, has decided whether or not the power of exclusion of the public under Part 1 of Schedule 12A of the Local Government Act 1972, shall be exercised.

8. Amendments to Motions*

- 8.1 An amendment shall be relevant to the motion and shall be either:-
- 8.1.1 to refer a subject of debate to a committee or sub-committee for consideration or reconsideration;
 - 8.1.2 to leave out words;
 - 8.1.3 to leave out words and insert or add others;
 - 8.1.4 to insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a materially new issue into or of negating a motion before the Authority.

- 8.2 If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

9. Alterations or Withdrawal of Motion or Amendment*

- 9.1 A proposer of a motion may, with the concurrence of the seconder and the consent of the Authority, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be put into writing and handed to him/her before the consent of the Authority to the alteration is sought.
- 9.2 A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Authority, withdraw the motion or amendment which he/she has proposed, and no member shall speak upon it after the proposer has asked permission for its withdrawal, unless such permission has been refused.
- 9.3 The giving or refusal of the consent of the Authority to the alteration or

withdrawal of a motion or amendment shall be signified without discussion.

10. Conduct of Members*

- 10.1 A member who has a disclosable pecuniary interest in any matter being considered at a meeting of the Authority must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless he or she has obtained a dispensation from the Standards and Governance Committee. The member may, however, make representations on the matter to the meeting, in accordance with the Authority's deputations procedure, provided that he or she withdraws from the room when those representations are concluded and before any discussion or vote takes place.
- 10.2 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other member.
- 10.3 If any member in the opinion of the Chairman misconducts himself/herself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively, or by willfully obstructing the business of the Authority, or by tedious repetition or unbecoming language in his/her speech, the Chairman or any other member may move "that the member named be not further heard" and such motion if seconded shall be put and determined without discussion.
- 10.4 If the member named continues his/her misconduct after a motion under the previous paragraph has been carried, the Chairman shall either:-
- 10.4.1 move "that the member named is to leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
- 10.4.2 Adjourn the meeting of the Authority for such period as he/she in his/her discretion shall consider expedient.
- 10.5 In the event that a motion under Standing Order 10.4.1 has been carried and the named member refuses to leave the meeting the Chairman may order the removal of that member from the room in which the meeting is being held.

11. Questions*

- 11.1 A member may, if the question has been given to the Chief Fire Officer in writing by 10.00 a.m. three clear working days before the meeting of the Authority, ask the Chairman of the Authority or the Chairman of any committee, any question relating to the business of the Authority or the committee.
- 11.2 The question given to the Chief Fire Officer shall set out in full the question to be asked and the notice shall be signed and dated by the member giving the notice. The requirement for the notice to be signed by the member shall

not apply in the case of an electronic copy being received by the Chief Fire Officer.

- 11.3 The Chief Fire Officer shall record any questions submitted in the order in which they are received and the questions in that order shall be put to the appropriate meeting of the Authority.
- 11.4 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The member asking the question may ask one supplementary question arising out of the reply.
- 11.5 Where a reply to any question cannot conveniently be given orally, it shall be deemed as sufficient reply if a written answer is circulated to the member asking the question and to all other member of the Authority as soon as reasonably practicable after the meeting.
- 11.6 The amount of time devoted to questions under this Standing Order shall not exceed 30 minutes.

12. Agenda Items*

- 12.1 A member may, by giving 10 working days notice, require an item to be placed on the agenda either for an Authority or committee meeting. For the avoidance of doubt, the Authority or committee at which the agenda item is considered will determine what, if any, action it is proposed to be taken with the agenda item. If either the Authority or the committee determine that further action is required on the agenda item, the Authority or the committee will request officers to submit a full report on the agenda item to the next appropriate meeting of the Authority or committee.

13. Points of Order and Explanation*

- 13.1 A member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- 13.2 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

14. Formal Motion*

- 14.1 A member who has not spoken may, at the conclusion of a speech of another member, move without comment “that the question be now put” or “that the Authority now adjourn”, upon the seconding of which the Chairman shall put that motion to the vote without amendment or discussion and, if it is carried, the question before the meeting shall be put to the vote or the meeting shall stand adjourned, as the case may be; provided that if on the moving and seconding of any such formal motion as aforesaid the Chairman is of the opinion that the matter has not been sufficiently discussed, he/she may either refuse to accept the motion at that time or he/she may indicate how many more member he/she will permit to speak before putting the motion.

15. Relevance of Speeches*

- 15.1 A member shall direct his/her speech to the question under discussion or to an explanation or to a point of order.

16. Voting*

- 16.1 Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices.
- 16.2 In taking the votes on any proposition, only those members who are present ~~in the room~~ when the proposition is put from the Chair shall be entitled to vote.
- 16.3 After a proposition is put from the Chair, but before the vote is taken, any five members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his/her vote for or against that proposition or abstained from voting.
- 16.4 Where, immediately after a vote is taken at a meeting of the Authority or any committee, any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his or her vote for the question or against the question or whether he or she abstained from

voting.

- 16.5 The Chairman or person chairing meetings of the Authority and committees shall have a second or casting vote. For the avoidance of doubt, the Chairman may use such a second or casting vote on an equality of voting despite not having voted when the motion was put to the meeting for voting upon.

17. General Disturbances*

- 17.1 If a member of the public interrupts the proceedings at meetings the Chairman shall warn him/her. If he/she continues the interruption the Chairman shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
- 17.2 If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him/her, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

18. Adjourned Meeting*

- 18.1 When a meeting is adjourned to a future day, notice of the adjournment shall be sent to each member specifying the business to be transacted at the resumed meeting.

19. Deputations*

- 19.1 Subject to the provisions of this Standing Order, the Authority, and any of its committees or sub-committees shall receive deputations on any business that is properly within its terms of reference and the Deputation shall be allowed to address the meeting.
- 19.2 For the purposes of this Standing Order:-
- 19.2.1 Notice in writing shall be given to the Monitoring Officer or Chief Fire Officer that a Deputation wishes to address the meeting and the notice shall specify the subject before the meeting upon which the Deputation wishes to speak. In the case of a meeting of the Authority, committees and sub-committees the notice shall be given 3 clear working days in advance.
- 19.2.2 Deputations shall consist of not more than 4 people who shall be Local Government electors in the area of the Authority.
- 19.2.3 Any member of a Deputation may address the meeting.
- 19.2.4 The total time taken by the Deputation in addressing the meeting shall not exceed ten minutes.

19.2.5 Deputations shall be taken at the beginning of the meeting (after the Minutes) and the total time for all deputations shall not exceed one hour in duration.

19.2.6 No Deputation shall appear before the Authority at successive meetings or at any committee or sub-committee within six months of any previous appearance, on the same or similar topic.

20. Minority Order Procedure*

20.1 If Members numbering at least one quarter of the voting Members present at a meeting of a Committee so request immediately after the vote is taken on any matter which is otherwise within the delegated powers of the Committee, the decision shall take the form of a Recommendation to the Authority and shall not be effective unless and until approved by the Authority. Where any matter is for the time being delegated to a sub-committee, Members numbering at least one quarter of the voting Members present at the meeting of the subcommittee may in the same manner require that the decision shall take the form of a Recommendation to the appropriate Committee.

20.2 This Standing Order shall not apply to:-

20.2.1 Sub-Committees established to appoint officers of the Authority.

20.2.2 Any decisions of a quasi judicial nature.

20.2.3 Decisions where delay could put the Authority in breach of the law or in breach of legally binding obligations.

21. Canvassing of and Recommendations by Members

21.1 Canvassing of members of the Authority, or any Committee or Sub-Committee of the Authority, directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purpose of this paragraph of this Standing Order shall be included in any form of application.

21.2 A member of the Authority shall not solicit for any person any appointment under the Authority but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority or the Chief Fire Officer with an application for appointment.

22. Relatives of Members or Employees

22.1 A candidate for any appointment under the Authority who knows that he/she is related to any member or employee of the Authority shall disclose that relationship in his/her application. A candidate who fails to disclose such a

relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.

- 22.2 Every member and senior officer of the Authority shall disclose to the Chief Fire Officer any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Authority.
- 22.3 The purpose of this Standing Order shall be included in any form of application.
- 22.4 For the purpose of this Standing Order “senior officer” means any officer so designated by the Authority, and persons shall be deemed to be related if they are husband and wife, or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

23. Custody of Seal

- 23.1 The common seal of the Authority shall be kept in a safe place in the custody of the Monitoring Officer.

24. Sealing of Documents

- 24.1 The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a committee or sub-committee or a decision of an officer to which the Authority has delegated its powers on its behalf, but a resolution of the Authority (or of a committee, sub-committee or officer where that committee, sub-committee or officer has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any contract, issuing a levy or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the authorisation.
- 24.2 The seal shall be attested by the Monitoring Officer or other person duly authorised in writing by him/her and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be authenticated by the person who had attested the seal.

25. Special meetings of Committees and Sub-Committees

- 25.1 The Chairman of a committee or sub-committee or the Chairman of the Authority may cause a special meeting of the committee or sub-committee to be called at any time.
- 25.2 A special meeting of the committee or sub-committee shall be called on the request of at least one quarter of the whole number of members of the committee or sub-committee by notice in writing and signed by them and given to the Chief Fire Officer or Monitoring Officer and specifying the business for which the meeting is to be called. After receipt of such request, the Chief Fire Officer or Monitoring Officer shall arrange for the special

meeting to take place not less than 21 days and not more than 35 days after the receipt of the request.

26. Proceedings of the Authority, Committees and Sub-Committees

- 26.1 Any Authority member may attend as an observer at meetings of committees and sub-committees (except those committees and sub-committees which the Authority may from time to time determine for the purposes of this Standing Order) to which he/she has not been appointed as a member, including meetings or items of business from which the public has been excluded. If given permission by the Chairman of the meeting, a member attending as an observer may speak (but not vote) on any matter.
- 26.2 Subject to the provision of Section 100 of the Local Government Act 1972, all Authority committee and sub-committee reports and all documents marked as “confidential”, “exempt” or “not for publication” shall be treated as confidential until they become public in the ordinary course of the Authority’s business.
- 26.3 No act of a committee or sub-committee shall have effect until approved by the Authority except to the extent that the committee or sub-committee has of itself power to act without the approval of the Authority and the power so to act has been conferred upon the committee or sub-committee.
- 26.4 In addition, to those Standing Orders which expressly related to the Authority, committees and sub-committees, Standing Orders 5 to 20 inclusive shall apply with any necessary modification to committee and sub-committees. These Standing Orders are highlighted by an asterisk. At any meeting of a committee or sub-committee, the Chairman of the committee or sub-committee shall have discretion to follow a more informal debating process than that set out at Standing Orders 6, 8.2 and 9 as he/she considers appropriate to enable the efficient conduct of business.

27. Chairman and Vice-Chairman of Committees and Sub-Committees

- 27.1 The Chairman and Vice-Chairman of each committee or sub-committee established by the Authority shall be appointed at the time the committee or sub-committee is first established and thereafter shall be appointed by the Authority at each annual meeting. A Chairman or Vice-Chairman so appointed may be removed by the Authority or may resign. If the Authority so decide, the appointment of the Chairman and Vice-Chairman of a committee or subcommittee may be left for that body itself to decide.
- 27.2 Subject to paragraph 27.1, the Chairman and Vice-Chairman of a committee or sub-committee appointed by the Authority shall hold office until the next annual meeting of the Authority after his/her appointment.
- 27.3 In the absence of the Chairman or Vice-Chairman at any meeting of a committee or sub-committee, the members present shall choose one of

their number to preside over the meeting, subject to paragraph 27.4.

- 27.4 If the Chairman of a committee or sub-committee arrives at a meeting of the committee or sub-committee after the time for which the meeting has been summoned, he/she shall preside over the meeting after any question under discussion on his/her arrival has been disposed of but not before then.

28. Rescission of previous Resolution

- 28.1 No motion to rescind any resolution passed within the preceding six months, and no motions or amendments to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof bears the names of at least four members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

29. Audio or Visual Recordings at Meetings

- 29.1 Audio or visual recording equipment may only be used in accordance with the Authority's protocol for the filming, photographing and audio-recording of all public meetings, which complies with the Openness of Local Government Bodies regulations 2014

30. Display of Banners at Meetings

- 30.1 Except with the consent of the Chairman of the meeting, no member or members of the public shall display banners, posters or signs at meetings.

31. Variation and Revocation of Standing Orders

- 31.1 Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

32. Suspension of Standing Orders

- 32.1 Subject to paragraph 32.2, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- 32.2 A motion to suspend any of the preceding Standing Orders shall not be moved unless there are at least one-half of the whole number of the members of the Authority present.

33. Interpretation of Standing Orders

- 33.1 The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, shall not be challenged at any meeting of the Authority.

33.2 In these Standing Orders, references to the Chief Fire Officer shall be taken to include such persons as time to time are authorised by him/her to act on his/her behalf.

4.2 Financial Regulations

Introduction and overview

What are financial regulations?

- 1.1 The regulations set out at A to E below identify the financial responsibilities of Hampshire and Isle of Wight Fire and Rescue Authority, Members, the Chief Fire Officer; the Monitoring Officer; the Chief Financial Officer; and other officers.
- 1.2 The Authority and its officers should maintain a written record of any decision-making that has been delegated to members of staff, including seconded staff. When decisions have been delegated or have been devolved to other bodies or responsible officers, references to members or officers in these regulations should be read as referring to them.

Who should read this document?

- 1.3 These regulations and the procedures they contain apply to all staff and members of the Authority. The prime audience for financial regulations are:
 - Members of the Authority
 - Chief Fire Officer
 - finance officers
 - staff with financial responsibilities.
- 1.4 More detailed guidance on how the regulations should be implemented in practice is contained in Financial Procedures, which apply to all members and all staff.

Why have financial regulations?

- 1.5 Financial regulations form part of the means by which the Authority manages its business. They clarify responsibilities and provide a framework for decision-making about financial matters. Where there are specific statutory powers and duties, the financial regulations seek to ensure that these are duly complied with, as well as setting out best professional practices and processes for all activities and decisions of the Authority, its committees and the Fire and Rescue Service.
- 1.6 In summary, financial regulations are the regulatory framework within which the financial affairs of the Authority operate.

Corporate governance and financial regulations

- 1.7 All staff and members must comply with the fundamental “principles of public life” as set out in the Committee on Standards in Public Life (the Nolan Committee): which include openness, integrity and accountability.
- 1.8 These regulations also reinforce the corporate governance “standards”, as recommended by the Nolan Committee, governing:
- organisational structures and processes
 - financial reporting and internal controls
 - standards of behaviour.

What do financial regulations cover?

- 1.9 The regulations apply to all the Authority’s activities. In practice, this means all budgets, money and funds administered by members and officers in carrying out their duties across all the Authority’s services and activities. This also includes:
- funds managed on behalf of third parties such as trust funds, community accounts and unofficial funds
 - partnership arrangements where the Authority is the accountable body.
 - External providers such as outsourced services, contractors and consultants who are managed through the contract process. The contract document will set out the financial requirements. These include, for example, compliance with key control procedures; performance standards and statistics; attendance at service client meetings; and access to accounts.

Awareness and access

- 1.10 The Chief Fire Officer is responsible for ensuring that all employees with financial responsibilities are made aware of and have access to these regulations, and to the Financial Procedures that set out in more detail how they should implement and comply with the regulations.

Non-compliance with financial regulations

- 1.11 Failure to comply with these regulations and the accompanying financial procedures may have the following consequences:
- For employees, these regulations supplement the employee code of conduct so a breach will be considered a disciplinary offence that will invoke disciplinary procedures (and can lead to dismissal).
 - For members, these regulations supplement the code of conduct for members, so a breach may be reported to the Standards and Governance Committee.

Review of financial regulations

1.12 The Chief Financial Officer is responsible for maintaining a continuous review of these regulations.

Other rules

1.13 Apart from these regulations, all members and officers must comply with certain other rules. These include:

the law:

- relevant local government legislation
- relevant civil and criminal law
- the Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020

Other Authority rules:

- Standing Orders
- the Scheme of Delegation
- Contract Standing Orders
- human resources policies and procedures
- service orders
- Financial Procedures

List of financial regulations

- A – Financial accountabilities and management
- B – Financial planning
- C – Risk management and control of resources
- D – Systems and procedures
- E – External arrangements

Financial regulation A – Financial accountabilities and management

Introduction

- A.1 Financial management covers all financial accountabilities in relation to the running of the Authority and Service, including the policy framework and budget.
- A.2 The Authority delegates day to day financial management to the Chief Fire Officer so that, as far as possible, the financial management of the Service takes place within the Service.
- A.3 The Authority, advised by its Chief Financial Officer, must be satisfied that the Chief Fire Officer exercises delegated financial responsibilities in a proper and effective manner.
- A.4 The Authority encourages the Service itself to devolve financial management so far as possible to local officers.
- A.5 Authority has the following specific responsibilities:

Finance

- To annually determine a revenue budget and capital programme for the Authority and the level of Council Tax precept for the forthcoming financial year.
- To monitor and approve the Authority's medium term financial plan and any proposal to amend the budget.
- To monitor and approve the Authority's treasury management strategy.
- To consider monitoring reports against the Authority's agreed revenue budget and capital programme and to consider and approve the annual budget outturn position as set out in the Authority's final accounts.
- To approve budget virements over £200,000.
- ~~To approve virements into an employee budget to appoint new permanent members of staff. To approve all virements from non pay budget to pay budget.~~
- To approve the write-off of any debt over £10,000.
- To approve one-off expenditure funded from reserves in excess of £200,000.

- To approve the appointment of external audit providers in accordance with the Authority's Financial Regulations.
- To agree and approve procedures for carrying forward under and overspends on budget headings.
- To approve potential capital schemes with cost in excess of £1,000,000 before any expenditure is committed.

Assets

- To consider and approve the sale and purchase of land or buildings with a value greater than £250,000, or the disposal of land or buildings by way of lease or license for a period greater than 10 years or at a value greater than £100,000 per annum. For the avoidance of doubt, in exceptional circumstances, the Chief Fire Officer is authorised, following consultation with the Chairman and Chief Financial Officer to pay a deposit of up to £250,000 to secure the Authority's interest in the prospective purchase of land or buildings in circumstances where a decision to pay a deposit cannot wait until the next meeting of the Authority. In these circumstances the payment of the deposit will be reported to the next meeting of the Authority and any consequent decisions regarding proceeding with the transaction will be made by the Authority.

Governance

- To agree and adopt a Constitution for the Authority including the following elements and approve any revisions or replacements;
 - Standing Orders
 - Committee Terms of Reference
 - Contract Standing Orders
 - Scheme of Delegation
 - Financial Regulations
 - Code of Conduct for Members, including Member role profiles
 - Arrangements to be applied for the investigation and determination of allegations of a failure to comply with the Code of Conduct for Members and co-opted Members

Legal Proceedings

- to consider and approve settlements or other payments made by the Authority in legal proceedings with a value greater than £100,000.

Chief Fire Officer and his staff

- A.6 The Chief Fire Officer and his staff should have as much day to day responsibility for financial management of the Service as is possible within the framework of the agreed budget and rules of virement.
- A.7 The Chief Fire Officer shall control expenditure and income, monitor performance, and take the necessary action to avoid exceeding any financial allocation. He may authorise other officers to act on his behalf in sanctioning orders for payments, but such delegation does not in any way reduce the overall responsibilities of the Chief Fire Officer.
- A.8 Where expenditure or income involves a contract with a third party, the Chief Fire Officer must follow procedures laid down in Contract Standing Orders.

Monitoring Officer

- A.9 The Monitoring Officer is designated by the Authority under section 5 (1) of the Local Government and Housing Act 1989, with responsibility for reporting any illegal action, breach of any code of practice, maladministration or injustice, by:
- The Authority or any of its committees
Any officer of the service
Any employee of the service including any fire officer, or other local authority or organisation providing services to the Authority
- A.10 The Monitoring Officer or Chief Fire Officer is authorised to instigate, defend or appeal legal proceedings in any court or tribunal to protect the Authority's interests and interests of the Chief Fire Officer.
- A.11 The Monitoring Officer is authorised to settle all claims made against the Authority subject to appropriate financial approvals being obtained.
- A.12 The Monitoring Officer shall in any circumstances which he or she considers urgent, take any action that he or she considers appropriate to protect the interest of the Authority and Chief Fire Officer.

Chief Financial Officer

- A.13 The Chief Financial Officer has statutory duties in relation to the financial administration and stewardship of the Service. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Section 151 of the Local Government Act 1972
 - The Local Government Finance Act 1988

- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 1996.

A.14 The Chief Financial Officer is responsible for:

- the proper administration of the Authority's financial affairs
- reporting both to members of the Authority and to the external auditors any unlawful, or potentially unlawful, expenditure by the members or officers of the Authority or Service
- reporting both to the Authority and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure
- preparation of statutory and other accounts
- setting and monitoring compliance with accounting and financial management procedures and standards
- maintaining an effective and adequate internal audit and all audit arrangements
- advising on budgetary matters including any consequent long term implications
- key financial controls necessary to secure sound financial management
- providing financial information
- providing financial advice on all aspects of activity, including strategic planning and policy making process
- treasury management and banking arrangements

A.15 In carrying out these responsibilities, the Chief Financial Officer will:

- assist members in seeking to obtain best value for money
- advise the Authority on financial propriety
- advise, in consultation with the Monitoring Officer, on the safeguarding of assets, including risk management and insurance
- arrange for the notification to the billing authorities of precepts
- issue Financial Procedures and guidance to the Service containing general accounting and audit practices to be observed in the maintenance of their records
- oversee the accounting procedures and financial records of the Authority and its officers (in consultation with the Chief Fire Officer). Such procedures shall have regard to section 115 of the Local Government Act 1972, the Accounts and Audit Regulations 1996 and appropriate Accounting Standards.
- set schemes of financial delegation and/or authorisation
- oversee financial and related IT systems
- set out procedures and controls for ordering services, supplies and works
- make arrangements for the payment of accounts and collection of income
- make arrangements for pay and pensions.

A.16 Section 114 of the Local Government Finance Act 1988 requires the Chief Financial Officer to report to the members and external auditor if the Authority or one of its officers:

- has made, or is about to make, a decision that involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action that has resulted or would result in a loss or deficiency to the Authority
- is about to make an unlawful entry in the Authority's accounts.

A.17 Section 114 of the 1988 Act also requires:

- that the Deputy Chief Financial Officer performs these functions in the absence of the Chief Financial Officer
- that the Authority provides the Chief Financial Officer with sufficient staff, accommodation and other resources – including legal advice when this is necessary – to carry out the duties under section 114.

Other financial accountabilities

Virement

A.18 Once the annual revenue and capital budgets are approved, and subject to the provisions of these Financial Regulations and Standing Orders, the budgets will give authority to the Chief Fire Officer in consultation with the Chief Financial Officer to incur expenditure without the need to obtain further approval from the Authority, except where:

- the Chief Fire Officer proposes a change in policy and/or the objectives and targets in the Safety Plan and/or
- there is a proposed virement of over £200,000. In this case the Authority would be required to authorise the adjustment.

A.19 Virement shall not be made from a capital budget to a revenue budget except where the Authority has approved an amendment of direct revenue funding or the use of balances.

A.20 The Chief Fire Officer shall identify officers to whom he or she proposes to delegate responsibility to manage and control budgets under delegated arrangements and such officers shall manage and control the budgets so delegated.

A.21 Virement into an employee budget to appoint new permanent members of staff is not permitted without the specific approval of the Authority.

Treatment of year-end balances

A.22 The Authority is responsible for agreeing procedures for carrying forward under and overspendings on budget headings on the advice of the Chief Financial Officer.

Accounting policies

A.23 The Chief Financial Officer is responsible for determining accounting policies and financial systems and ensuring that they are applied consistently.

Accounting records and returns

A.24 The Chief Financial Officer is responsible for determining the accounting procedures and records for the Authority.

The annual statement of accounts

A.25 The Chief Financial Officer is responsible for ensuring that the annual statement of accounts is prepared and certified in accordance with *the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Standards and Governance Committee is responsible for approving the annual statement of accounts on the recommendation of the Chief Financial Officer.

Debt write-offs

A.26 The Chief Fire Officer is authorised to write off debts up to £5,000 and in consultation with the Chief Financial Officer is authorised to write off any debt up to £10,000. Details of all write-offs must be maintained in a central register by the Chief Fire Officer. The write-off of any debt over £10,000 must be approved by the Authority.

Use of Reserves

A.27 The Chief Fire Officer in consultation with the Chief Financial Officer is authorised to approve one off expenditure to be funded from reserves up to a value of £200,000 per discreet item. Amounts in excess of £200,000 must be reported to the Authority for approval.

Financial regulation B – Financial planning Introduction

B.1 The Authority is responsible for agreeing the policy framework and budget, which will be proposed by the Chief Fire Officer. In terms of financial planning, the key elements are:

- the Service Plan
- the Medium Term Financial Plan
- the revenue budget
- the capital programme.

Budgeting

Budget format

- B.2 The general format of the budget and budget guidelines will be approved by the Authority and proposed by the Chief Fire Officer on the advice of the Chief Financial Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

- B.3 The Chief Financial Officer is responsible for ensuring that a revenue budget and a forward financial forecast for three years is prepared each year for consideration by the members, subject to information being made available by the Government to facilitate this. The Authority may amend the budget or ask the members to reconsider it before approving it. In the absence of appropriate information, an interim financial plan will need to be approved by the Authority.
- B.4 The members, in consultation with the Chief Financial Officer, are responsible for issuing guidance on the general content of the budget as soon as possible following approval by the Authority.
- B.5 The Chief Fire Officer is responsible for ensuring that budget estimates reflecting agreed service plans are submitted to the members, and that these estimates are prepared in line with members' guidance.
- B.6 The precept has to be notified to the billing authorities by the end of February in respect of the ensuing financial year. It must be supported by a balanced budget approved by the Authority in consultation with the Chief Fire Officer and Chief Financial Officer.

Budget monitoring and control

- B.7 The Chief Financial Officer is responsible for providing appropriate financial systems to enable budgets to be monitored effectively. The Chief Financial Officer must monitor expenditure against budget allocations and report regularly to the members on the overall position.
- B.8 The Chief Fire Officer is responsible for controlling income and expenditure on their budgets and for monitoring performance, taking account of financial information provided by the Chief Financial Officer. The Chief Fire Officer should report on variations and take any action necessary to avoid exceeding budgets, and should alert the Chief Financial Officer to any problems. Any new proposal containing significant financial implications must take note of the Chief Financial Officer's advice.

Capital expenditure

- B.9 The Chief Financial Officer is responsible for ensuring that a capital programme is prepared each year for consideration, before submission to Members.
- B.10 The Chief Fire Officer, in consultation with the Chief Financial Officer, shall prepare a draft capital programme for the ensuing year and following two years, which indicates the assumed financing for each year. Due regard should be given to the provisions of the Prudential Code.
- B.11 Potential schemes, with cost in excess of £1,000,000 must be formally appraised and a report submitted to the Authority for approval, before any expenditure can be committed.
- B.12 The draft capital programme for the ensuing year should be submitted to the Authority for approval and include:
- details of all schemes, showing the total cost and the phased cost to completion
 - method of funding
 - an estimate of the revenue implications and confirmation as to whether this can be contained within the agreed revenue budget.
- B.13 The Chief Fire Officer shall be responsible for the control of expenditure against the approved capital programme and for the provision of timely and complete and accurate financial information as required by the Authority and Chief Financial Officer.
- B.14 Capital expenditure is defined by Part IV of the Local Government and Housing Act 1989.
- B.15 The Chief Financial Officer shall be notified of all proposed finance and operating lease arrangements to ensure they are appropriate.
- B.16 The Chief Fire Officer and Chief Financial Officer may approve an increase in the capital programme of up to £50,000 and the Chief Fire Officer and Chief Financial Officer in consultation with the Chairman of the Authority may approve an increase of up to £100,000. In both cases the approved expenditure must be subsequently reported to the full Authority.
- B.17 The Chief Fire Officer, in consultation with the Chief Financial Officer and Chairman of the Authority is authorised to make changes within the overall approved capital programme limits where it is in the Authority's interests, with the changes being reported back to the full Authority.

Maintenance of balance and reserves

- B.18 The Chief Financial Officer is responsible for advising the members and/or the Authority on prudent levels of balances and reserves for the Authority.

Urgent Decisions

- B.19 Where an urgent financial decision is required that falls outside of the defined process or limits within Financial Regulations or Financial Procedure Rules, but is felt to be in the wider interests of the Authority, the Chief Financial Officer in consultation with the Chief Fire Officer and Chairman of the Authority can make the decision subject to it being reported back to the Authority.

Financial regulation C – Risk management and control of resources

Introduction

- C.1 It is essential that robust systems are developed and maintained for identifying and evaluating all significant financial and operational risks to the Authority on an integrated basis. This should include the active participation of all staff associated with planning and delivering services.

Risk management

- C.2 The Authority is responsible for approving the service plan and strategy and for reviewing the effectiveness of risk management.
- C.3 The Chief Fire Officer is responsible for ensuring that proper insurance exists where appropriate.
- C.4 The Chief Fire Officer is responsible in consultation with the Monitoring Officer for preparing the Authority's Risk Management Policy and for promoting it throughout the Service, and for advising the Authority on proper insurance cover where appropriate.
- C.5 The Chief Fire Officer is responsible for reviewing risks at least annually.

Internal control

- C.6 Internal control refers to the systems of control to ensure that the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- C.7 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.8 The Chief Finance Officer is responsible for establishing sound arrangements for planning, appraising, authorising and controlling operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving financial performance targets.

Audit requirements

- C.9 The Accounts and Audit regulations 1996 require the Chief Finance Officer to maintain an adequate and effective internal audit.
- C.10 The Authority is responsible for appointing external auditors, but this may be delegated to a third party with the approval of the Authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- C.11 The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies which have statutory rights of access, such as [HM Inspectorate of Constabulary and Fire and Rescue Services \(HMICFRS\)](#) and HM Revenue and Customs ([HMRC](#)).

Preventing fraud and corruption

- C.12 The Chief Financial Officer is responsible for developing and maintaining procedures to prevent fraud and corruption.

Assets

- C.13 The Chief Fire Officer should ensure that all records and assets are properly maintained and securely held. He should also ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.

Treasury management

- C.14 The Chief Financial Officer shall be responsible for advising the Authority on all matters relating to treasury management and shall have control of all aggregated monies and securities of the Authority.
- C.15 The Authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities and accordingly will create and maintain:
- A treasury management policy statement, stating the policies and objectives of its treasury management activities
 - Suitable treasury management policies (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

- C.16 The Chief Financial Officer is responsible for reporting to the Authority on its treasury management policies, practices and activities. The Authority will approve, before the start of the financial year, a capital and investment strategy and an annual treasury management strategy. The Authority will receive a mid-year review and annual report at the end of the financial year.
- C.17 The Authority delegates responsibility for the execution and administration of treasury management decisions to the Chief Financial Officer, who will act in accordance with the Authority's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

Banking arrangements

- C.18 All arrangements with bankers must be made only by the Chief Financial Officer, who is authorised to operate such bank accounts as are considered necessary.

Staffing

- C.19 The Chief Fire Officer is responsible for determining how officer support will be organised for the members and for all other member roles within the Authority.
- C.20 The Chief Fire Officer is responsible for providing overall management to staff and for ensuring that there are systems for the proper evaluation of pay for all staff.
- C.21 The Chief Fire Officer is responsible for controlling total staff numbers by:
- advising the Authority on the budget necessary in any given year to cover estimated staffing levels
 - adjusting the staffing numbers within approved budget provision, varying the provision as necessary within that constraint to meet changing operational needs

Financial regulation D – Systems and procedures

Introduction

- D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

- D.2 The Chief Financial Officer is responsible for the operation of the Authority's IT systems for financial and business-related purposes, for accounting systems, the form of accounts and the supporting financial records. Any changes made by officers to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer. However, officers are responsible for the proper operation of financial processes within their own areas of budgetary control.
- D.3 Any changes to agreed procedures by officers to meet their own specific service needs should be agreed with the Chief Financial Officer.
- D.4 The Chief Fire Officer should ensure that their staff receive relevant financial training which has been approved by the Chief Financial Officer.
- D.5 The Chief Fire Officer must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Officers must ensure that staff are aware of their responsibilities under data protection and freedom of information legislation.

Income and expenditure

- D.6 The Chief Fire Officer is responsible for ensuring that a proper scheme of authorisation has been established and is operating effectively. The scheme of authorisation should identify staff authorised to act on the Chief Fire Officer's behalf, in respect of payments, income collection and placing orders. It must also identify the limits of their authority. As part of the overall control framework of accountability and control, the Chief Financial Officer is responsible for specifying procedures for ordering, making payments and for collecting income, and for approving procedures for writing off debts.

Payments to employees, members and pensioners

- D.7 The Chief Financial Officer is responsible for paying all allowances to employees, members and pensioners

Taxation

- D.8 The Chief Financial Officer is responsible for advising officers on all taxation issues that affect the Service in the light of guidance issued by appropriate bodies and relevant legislation.
- D.9 The Chief Financial Officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date.

D.10 In accordance with advice received from Customs and Excise, the Authority will not accept settlement in cash of any transaction above the value of 15,000 euros equivalent (approximately £~~12,750~~10,000).

Stocks, stores and inventories

D.11 Inventories shall be kept at each location of:

- all items of operational equipment
- all vehicles and plant with purchase value of over £500
- all items of non-operational equipment and moveable furniture with purchase value over £500. However local managers should also include attractive items of a lower value.

D.12 The Chief Fire Officer shall be responsible for maintaining proper security of all assets and should aim to achieve the maximum utilisation of such assets in the provision of services.

D.13 The advice of the Chief Fire Officer should be sought on the disposal of surplus or obsolete assets, which should normally be by competitive tender or public auction.

D.14 The sale of land is subject to different procedures as described in the Scheme of Delegation and the advice of the Chief Fire Officer must first be sought.

Information technology systems

D.15 The Chief Fire Officer must ensure there is a corporate approach to systems development in line with the IT and e-government strategy.

Devolved Budget arrangements

D.16 The Chief Financial Officer will agree standards, systems and procedures for all budget holding officers within the Service, and the Chief Fire Officer will ensure that all budget holding officers are accountable to the Chief Financial Officer on all financial matters.

Financial regulation E – External arrangements Introduction

E.1 The Authority must develop and contribute to local community plans and act to achieve the promotion or improvement of the economic or social or environmental well-being of its area.

Partnerships

E.2 The Authority has oversight of partnership arrangements with other local public, private, voluntary and community sector organisations to address local needs, including participation in Community Plans.

E.3 The Authority can delegate functions – including those relating to partnerships – to officers. Delegated functions are set out in the Scheme of Delegation. When functions are delegated, the Authority remains accountable for them.

- E.4 The Chief Fire Officer is responsible for ensuring due diligence and legality for all partnership arrangements.
- E.5 The Chief Fire Officer and Monitoring Officer are responsible for promoting and maintaining the same high standards of conduct with regard to partnerships that apply throughout the Authority.
- E.6 The Chief Financial Officer must ensure that accounting arrangements adopted for partnerships and joint ventures are satisfactory, and that the overall corporate governance arrangements are satisfactory when contracts are arranged with external bodies. The Chief Financial Officer must ensure that the risks have been fully appraised before partnership agreements are made with external bodies.
- E.7 The Chief Fire Officer is responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

- E.8 The Chief Financial Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

Work for third parties

- E.9 The Chief Financial Officer and Monitoring Officer are responsible for approving the contractual framework for any work for third parties or external bodies

4.3 Contract Standing Orders

Contract Standing Order 1: Interpretation/glossary of terms

In these Contract Standing Orders, the following terms have the following meanings:

“Advance Works Order” means an advance works order issued under CSO 12.10

‘Authorised Officer’ is an officer who has the authority to give such approval under the Authority’s Scheme of Delegation and/or Financial Regulations.

“Contract” means

- (i) any agreement for the supply of goods, services, or the execution of works to or for the Fire Authority including the use of consultants;
- (ii) any Framework Agreement; or
- (iii) any agreement where no payment is made by the Fire Authority but which is of financial value to the Contractor
- (iv) but does not include (without exception)
- (v) an employment contract: or
- (vi) a Grant Agreement

“Contract Lead Officer” means a Hampshire and Isle of Wight Fire and Rescue officer nominated to deal with contracts

“Contractor” means the party or potential party to a Contract

“Contracts Finder” means a web-based portal provided for the purposes of the UK Regulations by or on behalf of the Cabinet Office

“Authority” means Hampshire and Isle of Wight Fire and Rescue Authority

“CSO”/ “CSOs” means Contract Standing Order/ Contract Standing Orders “Evaluation Report” means a report on the evaluation of tenders prepared under CSO 12

~~“EC Treaty” means the Treaty establishing the European Community signed on 25 March 1957 as amended by subsequent treaties~~

~~“EU Public Procurement Directives “ means EU Directive 2014/24/EU and European Council Directive 89/665/EEC Any Directives and Regulations by which it is applied, extended, amended, consolidated or replaced and any re-enactment thereof~~

~~“EU Thresholds” means the thresholds for public advertisement of goods, works and services contracts as provided for in the EU Public Procurement Directives and advised by the Government~~

“Evaluation Report” means a report on the evaluation of tenders prepared under CSO 12

“Framework Agreement” means an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors as defined in CSO 5.1

“Grant Agreement” means an agreement giving financial assistance to an individual or organisation with no supply of goods or services, or execution of works, in return

~~“OJEU” means the Official Journal of the European Union~~

~~“Thresholds” means the thresholds for public advertisement of goods, works and services contracts as provided for in the UK Regulations and advised by the Government~~

~~“UK e-Notification Service” is defined in the UK Regulations~~

“UK Regulations” means the Public Contracts Regulations 2015 as amended from time to time

“Works” “supplies” & “services” are as defined in the UK Regulations EU Public Procurement Directives

Contract Standing Order 2: Status of, and Compliance with, Standing Orders

- 2.1 By law, Hampshire and Isle of Wight Fire and Rescue Authority (“the Authority”) is required to make standing orders with respect to contracts for the supply of goods or materials or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited.
- 2.2 The Authority is a contracting authority for the purposes of the [UK Regulations EU Public Procurement Directives](#), and is thereby legally bound to comply with certain practices and procedures in the award of Contracts.
- 2.3 The Authority has therefore adopted these Contract Standing Orders (CSOs), setting out the administrative procedures that must be followed in relation to the procurement and award of a Contract. CSOs provide a framework to:
- Ensure the Authority uses its resources efficiently in making purchasing decisions to obtain best value in public services.
 - Comply with the laws that govern the spending of public money, and
 - Provide a means of safeguarding the reputation of the Authority and its staff from any implication of dishonesty or corruption.
- 2.4 The Chief Financial Officer and the Monitoring Officer are the joint custodians of these CSOs and are responsible for keeping them under review. This includes giving advice on their implementation and interpretation.
- 2.5 Every Contract made by the Authority or on its behalf (irrespective of the source of funding) shall comply with the [UK Regulations -EC Treaty, the EU Public Procurement Directives, and](#) all other applicable [EU and](#) domestic legal requirements, CSOs and Financial Regulations. In the event that there is any conflict or inconsistency between the provisions of CSOs and any legal requirement, the legal requirement shall apply.
- 2.6 The [UK Regulation-based EC Treaty provisions and Treaty-based](#) principles, including nondiscrimination, equal treatment, transparency, and proportionality, apply generally in the award of public contracts – including those of a value below the [EU](#) Thresholds. Care must be taken at all times to ensure that nothing is done which is discriminatory, improper or which distorts competition.

- 2.7 ~~_It is the role of the Chief of Staff to achieve Best Value for the Authority by publishing a Corporate Procurement Strategy and maintaining a purchasing network for the Authority._~~
- 2.8 These CSOs are supplemented by the procurement Best Practice Guide published and maintained by Hampshire County Council. In the event that there is any conflict or inconsistency between the provisions of the Procurement Best Practice Guide and the CSOs, then CSOs shall apply.
- 2.8 These CSOs supplement the Employee Code of Conduct and a failure to comply will normally be regarded as a disciplinary offence. Where a person who is not a Hampshire and Isle of Wight Fire and Rescue Service employee is contracted to a position where they are authorised to carry out purchasing functions, it is a condition of their contract that they comply with CSOs.
- 2.9 These CSOs shall always be interpreted and applied in a way that supports the achievement of the Authority's identified business objectives, within relevant legal frameworks.
- 2.10 Any contracts procured and awarded by way of collaboration with other public bodies where a competitive process has been followed that complies with the equivalent of these CSOs of the leading organisation (but does not necessarily comply with these CSOs) will be deemed to comply with these CSOs and no waiver in accordance with CSO 13 will be required.

Contract Standing Order 3: Approval to procure

- 3.1 The procurement of a Contract (not including a Framework Agreement) is subject to the approval of the relevant decision maker who has the authority to give approval for the relevant expenditure under the Authority's Financial Regulations and/or the Scheme of Delegation. The giving of approval is subject to the expenditure involved having been included in approved estimates and sufficient budgetary provision having been made in the Authority's capital programme or revenue budget.
- 3.2 In estimating the value of the Contract, the principles of CSO 4 shall be applied.
- 3.3 In all cases, the Authorised Officer shall designate a Contract Lead Officer for the Contract. It shall be the responsibility of the Contract Lead Officer to ensure that the processes followed in relation to the procurement and award of the Contract are compliant with these CSOs.

Contract Standing Order 4: Contract Value and Aggregation

- 4.1 The estimated value of a Contract shall be the total value of the Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract by the Authority to the Contractor which shall include any option to extend the term under the contract. Where the Contract is one where no payment is made by the Authority (e.g. a concession) a best estimate of the financial value to the Contractor shall be ascertained.
- 4.2 Where the Contract period is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be for a period of four years.
- 4.3 The estimated value of a Framework Agreement is the total value of all the Contracts which could be entered into by the Authority and other contracting authorities, further to that Framework Agreement.
- 4.4 Purchases of the same or similar goods or services must be aggregated wherever practicable. Contracts must not be artificially separated so as to circumvent the application of any part of CSOs, ~~the EU Public Procurement Directives~~, or the UK Regulations.
- 4.5 Contracts which are each of a value below the relevant ~~EU~~ Threshold may nevertheless be subject to full UK Regulations ~~EU Public Procurement Directives~~ tendering requirements, where they constitute a series of related or repeat purchases. Advice should be sought where this is the case, in order that the relevant procurement route can be adopted.

Contract Standing Order 5: Framework Agreements

- 5.1 A Framework Agreement is an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Framework Agreements may be established by the Authority, or by other public bodies, or public sector buying consortia, as arrangements through which the Authority, along with other public bodies, may make specific purchases.
- 5.2 Where appropriate a Framework Agreement that has been approved as suitable by the Chief Fire Officer in consultation with the Monitoring Officer should be used for the making of the proposed purchase. A suitable Framework Agreement shall be appropriate for the specific requirement and procured in compliance with the UK Regulations, and the terms and conditions applicable shall meet the minimum requirements of the Authority.
- 5.3 Provisions contained in the UK Regulations which govern Framework Agreements must be complied with when concluding a Framework Agreement or awarding a contract based on a Framework Agreement.

Contract Standing Order 6: Suitability of Contractors

- 6.1 In all cases where a Contract is awarded under these CSOs, a Contractor can only be appointed who, as a minimum:
- a) is registered for tax and holds a valid certificate (where appropriate) can confirm a business contact address and telephone number
 - b) has an acceptable level of public liability, product, professional indemnity and/or employer's liability as appropriate, based on an assessment of risk for the Contract)

Contract Standing Order 7: Publication of Notices

- 7.1 In all cases where, by virtue of these CSOs or by UK Regulations, a public notice is required, it shall be placed on the corporate tendering opportunities portal on Contracts Finder.
- 7.2 Where the estimated total value of a proposed Contract is £100,000 or above, the notice shall additionally be placed in at least one relevant local publication and/or journal circulating among Contractors who undertake Contracts of that nature. However, this is not required where the relevant Authorised Officer is satisfied that to do so would not be value for money.
- 7.3 Where the value of the contract is £25,000 or greater the information regarding the Contract award is required to be placed on Contracts Finder.
- 7.4 Where the value of the Contract exceeds the relevant EU Threshold, the Contract notice and Contract award notice shall also be placed in the [OJEU UK e-Notification Service](#) in accordance with the UK Regulations.

Contract Standing Order 8: Purchasing Procedures for Contracts of a Value less than £100,000

- 8.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is less than £100,000 and there is a suitable Framework Agreement approved by the Chief Fire Officer and [Monitoring Officer Clerk](#) under CSO 5.2, that Framework Agreement shall be used.
- 8.2 Where no suitable Framework Agreement is available, and the estimated value of the Contract, calculated in accordance with CSO 4, is less than £10,000, then one written quotation should be obtained. These CSOs do not limit the number of quotations and more should be obtained where appropriate.
- 8.3 Where no suitable Framework Agreement is available, and the estimated value of the Contract calculated in accordance with CSO4, is £10,000 or greater and less than £100,000 three written quotations should be obtained against the same written request for quotation in accordance with the procedure set out in the Procurement Best Practice Guide. These CSOs do not limit the number of quotations and more should be obtained, or a full tendering exercise should be undertaken if appropriate.
- 8.4 In the selection of the Contractor, the Contract Lead Officer shall bear in mind the need to seek best value for money and be able to demonstrate that they have achieved this.
- 8.5 The Contract shall be evidenced in writing, by submission of an order in accordance with the Framework Agreement or, where a Framework Agreement is not used, by the placing of an order on the basis that the price in the written quotation received shall apply.

Contract Standing Order 9: Tendering Procedures for Contracts of a Value of £100,000 or greater but less than relevant ~~EU~~ Threshold

- 9.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is £100,000 or greater but less than the relevant ~~EU~~ Threshold, and there is a suitable Framework Agreement approved by the Chief Fire Officer and Monitoring Officer under CSO 5.2, that Framework Agreement shall be used.
- 9.2 Where no suitable Framework Agreement is available, tenders shall be invited using a procedure comparable/similar to the open procedure under the ~~Public Contract UK~~ Regulations.
- 9.3 Where the estimated value of the contract is £100,000 or greater but less than £1 million approval of the Monitoring Officer shall be sought to the use of the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure.
- 9.4 The procedure requires the publication of a notice in accordance with CSO 7. The public notice shall specify (i) a time period within which interested parties may express an interest in tendering and (ii) the method by which such interest shall be expressed. At the end of this period, an invitation to tender shall be sent to all parties who have expressed an interest, specifying a reasonable period for tenders to be returned.
- 9.5 In all cases, every invitation to tender shall include the following:
- A statement that the tendering process will be conducted within the Authority's corporate electronic tendering system;
 - Full instructions on how to submit their tender to this system;
 - Advice that tenders, once received in the system, will be anonymous until the time specified for their opening;
 - Advice as to the deadline for submission of tenders to this system
- 9.6 In exceptional circumstances, and with the prior approval of an Authorised Officer, an invitation to tender may be sent to tenderers in hard copy paper form, rather than through the electronic tendering system.
- 9.7 The invitation to tender shall state the evaluation criteria, including sub-criteria and sub-sub-criteria (where used), weightings and scoring criteria that will be applied in the award of the Contract. These criteria must be capable of

objective assessment, include price and any other relevant factors, and be weighted by relative importance. The invitation to tender shall also include the terms and conditions that will apply to the Contract.

- 9.8 The Contract shall be evidenced in writing by the completion of a formal written Contract, the terms of which have been approved by the Monitoring Officer or other person authorised by him for this purpose.

Contract Standing Order 10: Tendering Procedures for Contracts above ~~EU~~ Thresholds

- 10.1 The UK Regulations ~~EU Public Procurement Directives~~ set a financial threshold beyond which prescribed tendering procedures must be followed. The ~~EU~~ Thresholds are reviewed every two years.
- 10.2 Where the estimated value of the Contract is in excess of the relevant ~~EU~~ Threshold, the procedures set out in the UK Regulations ~~EU Public Procurement Directives~~ must be followed. In most cases, the open procedure, restricted procedure or competitive procedure with negotiation will be used, but in certain specialist cases, the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure shall apply. Advice on which procedure is appropriate to the specific case should be sought from the Monitoring Officer.
- 10.3 Where the estimated value of the contract is £100,000 or greater but less than £1 million approval of the Monitoring Officer shall be sought to the use of the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure.
- 10.4 Where the estimated value of the contract is £1 million or greater approval of the Authority shall be sought to the use of the negotiated procedure without prior publication, competitive dialogue procedure, or the innovation partnership procedure.
- 10.5 Any proposed modifications to existing contracts which have not been provided for in the initial procurement documents in clear, precise and unequivocal review clauses shall be approved by the Monitoring Officer where the value of the modification is less than £1 million and by the Authority where the value of the modification is £1 million or greater prior to agreement of such modification.

Contract Standing Order 11: Receipt and Opening of Tenders

- 11.1 Subject to CSO 11.2 – 11.3, all tenders shall be opened at the same time, by an officer appropriately trained to open tenders on the electronic tendering system as soon as reasonably practicable on or after the date for return of tenders. People under contract to the Authority, but not permanent employees of the Authority shall not open tenders unless approved by an Authorised Officer or the Monitoring Officer.
- 11.2 For a Contract of a value of £100,000 or greater, the officer opening tenders shall be certified as having completed the required training and the officer's name shall appear on a list held by the Monitoring Officer and authorised for that purpose.
- 11.3 The officer opening tenders shall record, in respect of each tender opened, the name of the tenderer and, where applicable, the total value.

Contract Standing Order 12: Evaluation of Tenders and Award of Contract

- 12.1 The Contract Lead Officer (who should normally be an employee of the Authority) shall ensure that the tenders received are evaluated in accordance with the evaluation criteria that have been adopted for the contract and stated in the invitation to tender. These criteria must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance.
- 12.2 The Contract Lead Officer shall produce a written report evaluating each tender received against the evaluation criteria. The report shall identify the tenderer who has submitted the most economically advantageous tender i.e. the tender that achieves the highest score in the evaluation and recommend the award of the Contract to that tenderer. This report shall be submitted to the person authorised to award the Contract under CSO 12.4.
- 12.3 No contract may be awarded unless the expenditure involved has been included in approved estimates and sufficient budgetary provision made in the Authority's capital or revenue accounts in accordance with CSO 3.1. The Evaluation Report shall confirm how this requirement is met.
- 12.4 An Authorised Officer is authorised to award and sign any contract entered into on the Authority's behalf, where it relates to their Area of Responsibility, and where the value of the Contract is less than £100,000. The Contract may be awarded and signed by an Officer who is authorised to do so on behalf of the Authorised Officer, as documented in the Chief Fire Officer's Scheme of Financial Delegation. All other Contracts shall be awarded by the Chief Fire Officer in consultation with the Monitoring Officer. They should then be signed by the Monitoring Officer or a senior officer nominated by the Monitoring Officer.
- 12.5 Where the value of a Contract is above the relevant Threshold, the Contract shall be awarded in accordance with the UK Regulations and in particular the requirements relating to a "standstill" period prior to the Contract being entered into.
- 12.6 All Contracts, including an arrangement subject to a purchase order, must be made in writing under English Law, and must clearly and carefully specify the supplies, services, or works to be provided, the agreed programme for delivery and the price and terms for payment together with all other terms and conditions.

- 12.7 Where purchases of a value less than £100,000 are made for which standard terms and conditions have been approved by the Monitoring Officer those standard terms should be used. Where a Contract is estimated at a value £100,000 or above or is of an unusual or complex nature, the Monitoring Officer shall be consulted to produce a suitable set of conditions of contract or to advise on existing conditions for use under a Framework Agreement
- 12.8 Every contract must also include certain clauses, in a form approved by the Monitoring Officer, to protect the Authority from fraud and to ensure that Contractors understand their responsibilities when they are acting on the Authority's behalf as well as clauses required to comply with the UK Regulations.
- 12.9 The Authorised Officer shall allocate to an officer the responsibility for the ongoing management of the Contract.
- 12.10 In exceptional circumstances, where a Contract has been awarded under CSO 12.4, but it is considered necessary in the best interests of the Authority to initiate the provision of goods or services under that Contract prior to the Contract being signed, the issue of an Advance Works Order by the Monitoring Officer may be requested. Issue will be subject to confirmation that a decision to award the Contract has been made in accordance with CSOs, the necessary funding for the Contract having been approved, and the value of the Advance Works Order not exceeding £100,000.

Contract Standing Order 13: Waiver of Contract Standing Orders

- 13.1 Any of the requirements of these CSOs may be waived in an individual case, by the person authorised as follows:

Where the estimated value of the Contract is less than £100,000	The Authorised Officer within whose Area of Responsibility the Contract falls
Where the estimated value of the Contract is £100,000 or greater but less than £1m	The Authorised Officer within whose Area of Responsibility the Contract falls in consultation with the Monitoring Officer
Where the estimated value of the Contract is £1m or greater	The Authority

- 13.2 A request for the issue of a waiver must be made in writing to the person authorised under CSO 13.1, with full reasons as to why the waiver is required, and evidence that the issue of a waiver will not prevent best value from being obtained. The decision in response to the request must also be in writing. No action shall be taken to enter into the Contract until such request has been submitted and the decision made.

- 13.3 The Authority is subject to legal requirements to ensure fair competition for Contracts of a value exceeding the ~~EU~~ Thresholds, and subject to obligations under the ~~EU Treaty~~ [UK Regulations](#) to ensure that all Contracts (regardless of value) are awarded having regard to the need to avoid any action that is discriminatory, improper or which distorts competition.

- 13.4 It is understood that waiver may be utilised where it can be demonstrated that the ability to act quickly to engage a single supplier would make economic sense and fit with service requirements, in circumstances where there is no more effective way to secure the capacity.

Part 5 – Appendices, Codes and Protocols

Appendix 1

Hampshire and Isle of Wight Fire and Rescue Authority Members' Allowances Scheme – 2021/2022

This scheme is made by Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 and is effective from 1 April 2021 until 31 March 2022.

1. A Basic Allowance of £6243 per annum shall be paid to each properly appointed Member of HIWFRA (excluding Deputy Members, where appointed).

2. A special responsibility allowance (SRA) shall be paid to those Members who hold the offices of special responsibility listed in the table below and the amount of each allowance shall be the amount specified.

2.1 Should a Member be appointed to more than one role for which an SRA is payable, only one (the higher) SRA may be claimed.

Role	SRA 2021/22
Chairman of the Authority	£12,486
Vice-Chairman of the Authority	£3122
Standards and Governance Committee Chairman	£1530
Standards and Governance Committee Vice-Chairman	£781
Liberal Democrat Opposition Spokesperson	£3122
Labour Opposition Spokesperson	(£781*)

* The Labour Opposition Spokesperson allowance is not claimed as the post holder is in receipt of an SRA as vice-chairman of Standards and Governance Committee

3. Travel and other expenses, including childcare and dependent carers' allowances accrued whilst undertaking HIWFRA duties to be claimed by each Member through and in accordance with the Members' Allowances Scheme of their respective appointing Authority.

Appendix 2

HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY

Arrangements for dealing with the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of Hampshire and Isle of Wight Fire and Rescue Authority has failed to comply with the Code of Conduct for Members

1. Introduction
 - 1.1. These arrangements set out the procedure to be followed when a complaint is received that a Member or Co-opted Member of the Authority has failed to comply with the Authority's Code of Conduct for Members.
 - 1.2. The Code of Conduct for Members is attached at Appendix 3 to this Constitution, and is available for inspection and on the Authority's website and on request to the Monitoring Officer to the Authority at the address detailed in paragraph 2 below.
2. Making a Complaint
 - 2.1. A complaint must be made in writing by post to:

The Monitoring Officer (HIWFRA)
c/o Democratic and Member
Services, Hampshire County Council
The Castle
Winchester
SO23 8UJ

or e mail : members.services@hants.gov.uk
 - 2.2. The standard complaints form should be used, which is attached to this procedure and can also be obtained on request from the Monitoring Officer.
 - 2.3. Anonymous complaints will not be considered unless the complaint is accompanied by documentary or photographic evidence

indicating an exceptionally serious or significant matter.

- 2.4. The Monitoring Officer will acknowledge receipt of a complaint within five working days of receipt of a completed complaint form.
3. Initial Validation of Complaint
 - 3.1. Once a complaint has been received the Monitoring Officer will carry out an initial validation of the complaint. In carrying out this initial validation three tests will be applied. These are:
 - 3.1.1 Is it a complaint against one or more named Members or Co-opted Members of the Authority?
 - 3.1.2 Was the named Member or Co-opted Member in office, and acting or purporting to act in his official capacity as a Member or Co-opted Member of the Authority at the time of the alleged conduct; and
 - 3.1.3 Would the complaint, if proven, amount to a breach of the Members' Code of Conduct.
 - 3.2. The Monitoring officer will normally make an initial validation within 20 working days of receipt of a complaint, and the complainant will be notified of the outcome within five working days of the decision being made.
4. Initial Assessment of Validated Complaint
 - 4.1. Once a complaint has been validated by the Monitoring Officer, an initial assessment of the complaint will be carried out by the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee and an Independent Person. The Subject Member will be informed of the complaint. A copy of the complaint will be forwarded to the Subject Member, unless the Complainant is an officer of the Authority, and the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee, considers it appropriate to withhold the specific details of the complaint at this stage.
 - 4.2. An Independent Person is a person other than a Member or Co-opted Member of the Authority whose views must be sought and taken into

account before the Authority makes any decision about an allegation that a Member or Co-opted Member of the Authority has breached the Code of Conduct for Members which the Authority has decided to investigate, and whose views may be sought by the Authority in relation to an allegation in other circumstances, or by a Member or Co-opted Member of the Authority against whom an allegation has been made.

- 4.3. The purpose of the initial assessment by the Monitoring Officer is to determine whether the complaint should be accepted for further consideration by an Assessment Panel or rejected.
- 4.4. In determining whether a complaint should proceed the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee and an Independent Person will apply the following criteria:
 - 4.4.1 Sufficiency of information – Is there sufficient information or evidence provided with the allegation? If it appears that substantiating evidence may be available, but has not been provided, the Monitoring Officer may ask for additional evidence, but the onus is on the complainant to ensure that all relevant information is provided.
 - 4.4.2 Seriousness of the complaint – is the complaint trivial, vexatious, malicious, politically motivated, or ‘tit for tat’? Would the resources/cost involved in investigating and determining the complaint be disproportionate to the allegation if proven?
 - 4.4.3 Duplication – Is the complaint substantially similar to a previous allegation considered by the Standards and Governance Committee, or subject of an investigation by another relevant authority?
 - 4.4.4 Length of time – Did the events or behaviour to which the complaint relates take place more than six months prior to receipt of the complaint. Does the time lapse mean that those involved are unlikely to remember matters clearly, or does the lapse of time mean that there would be little benefit in taking action.
 - 4.4.5 Public Interest – Is the public interest served in referring the complaint further. Has the Subject Member offered an apology or other remedial action?
 - 4.4.6 Anonymous – Is the complaint anonymous? Anonymous complaints will not normally be considered unless there is additional documentary or photographic evidence to support the complaint, and the complaint is sufficiently serious to consider.

4.5 The Complainant and the Subject Member will normally be informed by the Monitoring Officer of the initial assessment decision within ten working days of it being made. Should it be determined by the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee and an Independent Person that the complaint should not proceed, then that is the end of the matter.

5. Assessment Panel

5.1 Should it be determined, having regard to the criteria referred to at Paragraph 4.4 above, that the complaint be accepted for further consideration, a meeting of an Assessment Panel will be convened.

5.2 The Assessment Panel will include three members of the Standards and Governance Committee and will be proportionally constituted. An Independent Person will be invited to attend the meeting of the Assessment Panel.

5.3 A meeting of an Assessment Panel will not be open to the press or public if the Panel resolve in accordance with Part VA and Schedule 12A to the Local Government Act 1972 that this is appropriate.

5.4 The Assessment Panel will determine how the complaint should thereafter proceed. The views of the Independent Person will be sought by the Assessment Panel in making any decision.

6. Outcome of Assessment Panel

6.1. The Assessment Panel will make one of the following three decisions:

6.1.1 Refer the complaint to the Monitoring Officer for investigation; or

6.1.2 Refer the complaint to the Monitoring Officer for 'other action'; or

6.1.3 Determine that no further action should be taken in respect of the allegation.

The Complainant and the Subject Member will normally be informed by the Monitoring Officer of the decision within ten working days of the meeting of the Assessment Panel. Where the decision of the Assessment Panel is that no further action should be taken, then that is the end of the procedure.

7. Other Action

7.1. On occasions the Assessment Panel might consider that action other than a formal investigation is the most appropriate way of dealing with a complaint. An example might be where it is considered that the Subject Member requires training on the Code of Conduct for Members and/or the Authority's procedures. 'Other action' might constitute but is not limited to the following:

- 7.1.1 Arranging for the Subject Member to receive training from the Monitoring Officer.
 - 7.1.2 Arranging for the Complainant and the Subject Member to engage in a process of conciliation.
 - 7.1.3 Any other steps (other than investigation) which appear appropriate.
8. Investigation
- 8.1. Where the decision of the Assessment Panel is to investigate the complaint, the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee, will appoint an Investigating Officer. The Investigating Officer may be an Officer of the Authority, or an external investigator.
 - 8.2. The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints, and the investigation will be carried out in accordance with such guidance.
 - 8.3. At the end of the investigation, the Investigating Officer will produce a draft report and send copies of the draft to both the Complainant and the Subject Member for comment. The Investigating Officer will take the comments of the Complainant and Subject Member into account, before issuing his final report to the Monitoring Officer.
 - 8.4. The Subject Member may take the views of an Independent Person at any stage in the investigation.
9. Investigation Consideration Panel
- 9.1. Following completion of the investigation by the Investigating Officer, the Monitoring Officer will prepare a report for consideration by an Investigation Consideration Panel. The Investigation Consideration Panel will comprise three Members of the Standards and Governance Committee and will be proportionally constituted. Membership of the Investigation Consideration Panel should be drawn, where possible, from the Membership of the Assessment Panel.
 - 9.2. An Independent Person will be present at the Investigation Consideration Panel, and Members of the Investigation Consideration Panel will take the views of the Independent Person into account in its determination.
 - 9.3. A meeting of an Assessment Panel will not be open to the press or public if the Panel resolve in accordance with Part VA and Schedule 12A to the Local Government Act 1972 that this is appropriate.
 - 9.4. The Investigation Consideration Panel shall reach one of three conclusions. These are:

- 9.4.1 That the matter should be referred to a hearing of the Standards and Governance Committee; or
 - 9.4.2 That the complaint can be disposed of by informal resolution; or
 - 9.4.3 That there was no failure by the Subject Member to observe the Code of Conduct for Members.
10. Informal Resolution:
- 10.1 If the Investigation Consideration Panel, having consulted with the Independent Person, consider that the matter can be resolved without the need for a formal hearing, the Panel may determine that the matter may be disposed of by way of informal resolution. "Informal Resolution" might constitute but is not limited to the following:
 - 10.1.1 Arranging for the Subject Member to receive training from the Monitoring Officer.
 - 10.1.2 Requesting that the Subject Member offer an apology, and / or other remedial action.
 - 10.1.3 Any other steps (other than a formal hearing) which appear appropriate.
 - 10.2 Where a decision to seek informal resolution of a complaint is made, this means that the Investigation Consideration Panel consider that the conduct of the Subject Member was not in accordance with the Code of Conduct for Members. Thus, if the Subject Member refuses informal resolution, or to engage with the agreed outcome, the matter will be referred by the Monitoring Officer for a hearing. Where the Investigation Consideration Panel consider that an apology is appropriate, the wording shall be agreed by the Monitoring Officer, in consultation with the Chairman of the Panel.
 - 10.3 Where the decision of the Investigation Consideration Panel is that the complaint may be disposed of by way of Informal Resolution, and the Subject Member co-operates with the requests of the Investigation Consideration Panel, the Monitoring Officer will report the outcome to the Investigation Consideration Panel, and that is the end of the matter
11. Hearing
- 11.1 Where the Investigation Consideration Panel consider that the matter should be referred to a hearing, or Informal Resolution has been declined by the Subject Member, a Hearing Panel will be arranged. The Hearing Panel will comprise three members of the Standards and Governance Committee and will be proportionally constituted.
 - 11.2 An Independent Person will be present at the Hearing Panel, and members of the Hearing Panel will take the views of the Independent Person into account in its determination.

- 11.3 A Hearing Panel meeting will normally be open to the press and public, unless the Panel decide in accordance with Part V A and Schedule 12 A to the Local Government Act 1972, that the matter should be considered in private session.
- 11.4 The Investigating Officer shall present his report to the Hearing Panel and call such witnesses as he considers necessary to substantiate his conclusions. The Subject Member may also make representations to the Hearing Panel, and call such witnesses as he considers necessary, and shall be entitled to take the views of an Independent Person at any stage in the Hearing. Should the Subject Member decline to attend the Hearing, the hearing will proceed in the Subject Member's absence, unless the Hearing Panel is satisfied with the Subject Member's reasons for not being able to attend, in which case it may arrange for the Hearing to take place on another date.

12 Action following Hearing

12.1 The Hearing Panel will reach one of two conclusions:

12.1.1 That the Subject Member failed to comply with the Code of Conduct for Members; or

12.1.2 That there was no failure by the Subject Member to comply with the Code of Conduct for Members.

12.2 Where the decision of the Hearing Panel is that there was a failure by the Subject Member to comply with the Code of Conduct for Members the Hearing Panel may:

12.2.1 Publish its findings in such manner as the Panel considers appropriate

12.2.2 Report its findings to the Authority for information

12.2.3 Recommend to the Authority that the Subject Member be censured by resolution of the Authority

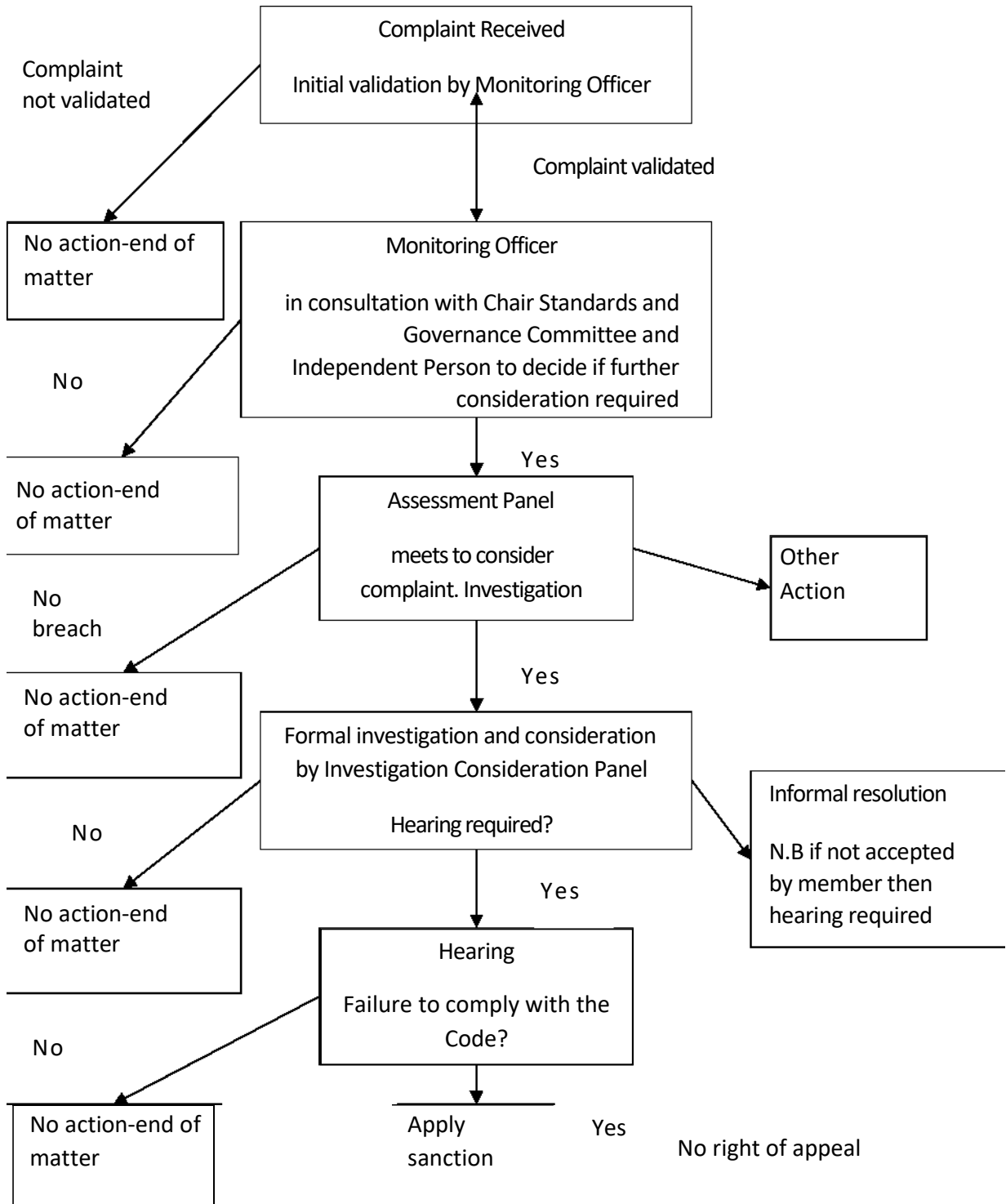
12.2.4 Recommend to the Subject Member's Group leader that the Subject Member be removed from Committees of the Authority and / or other appointed positions (as appropriate).

12.2.5 Instruct the Monitoring Officer to arrange such training for the Subject Member as the Panel considers appropriate.

NB:- A Hearing Panel has no power to suspend or disqualify a Member or to withdraw a Member's allowances. Removal of a Member from a Committee will require a formal decision of the Authority.

- 12.3 Where the decision of the Hearing Panel is that there has been no breach of the Members' Code of Conduct, then that is the end of the procedure.
13. Appeals
- 13.1 There is no right of appeal against any decision in respect of a Code of Conduct complaint, except through the Courts by way of judicial review.

Procedure for the Assessment, Investigation and Determination of Complaints of Breach of the Code of Conduct



HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY

COMPLAINT FORM

To be used if you wish to make an allegation that a Member of the Authority has failed to comply with the Members Code of Conduct.

Your details

1. Please provide us with your name and contact details

Title:	
First Name:	
Last Name:	
Address:	
Telephone Number:	

Your personal data will only be used for the purpose of processing your complaint, and will be retained securely in accordance with our retention policy

The following people will be informed of the details of the complaint:

- The Member(s) you are complaining about
- The Chief Fire Officer
- The Chair of the Authority
- The Monitoring Officer
- Officers processing the complaint

We will tell them your name and give them a summary of your complaint; We will give them full details of your complaint where necessary or appropriate to be able to process it. If you have serious concerns about your name and a summary, or details of your complaint being released to the individuals above, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Council officer or authority/service employee
- Other

Making your complaint

Once you have submitted your complaint, it will be considered in accordance with the published arrangements for dealing with the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of Hampshire and Isle of Wight Fire and Rescue Authority (“the Authority”) has failed to comply with the Code of Conduct for Members.

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct of Hampshire and the Isle of Wight Fire and Rescue Authority.

Title	First Name	Last Name

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breached the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breached the Code of Conduct.

A copy of the Authority Code of Conduct for Members can be found within the Constitution.

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Continue on a separate sheet if there is not enough space on this form

Please provide us with:

- the details of your complaint and
- the outcome from this complaints process that you would like to see happen (in accordance with the Constitution, Appendix 3 Code of Conduct for Members and Appendix 2 Arrangements for Handling Members Complaints).

Only complete this next section if you are requesting that your identity is kept confidential.

5. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify the Authority doing so.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer to the Authority will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

Submitting Your Complaint

7. This complaint should be submitted to the Monitoring Officer to the Authority by sending to the following contact addresses:

By post to:

The Monitoring Officer to the Authority,
Hampshire and Isle of Wight Fire and Rescue Authority,
c/o Democratic and Member Services,
Hampshire County Council
The Castle
Winchester
SO23 8UJ

Or by e-mail to: members.services@hants.gov.uk

Appendix 3

Hampshire and Isle of Wight Fire and Rescue Authority Members' Code of Conduct

This Code is adopted pursuant to the Authority's statutory duty to promote and maintain high standards of conduct by members and co-opted members of the Authority. It applies to all members and co-opted members, when acting in their role as a member or co-opted member of the Authority.

This Code is not intended to be an exhaustive list of all the obligations placed on members and co-opted members of this Authority. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.

This Code is based on and consistent with the following principles:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Part 1: General obligations of members and co-opted members

1. You must treat others with respect.
2. You must not do anything which may cause the Authority to breach equalities legislation.
3. You must not bully any person.
4. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
5. You must not do anything which compromises the impartiality of the Authority's officers.
6. You must not disclose confidential information (other than in very limited circumstances permitted by law and following consultation with the Authority's Monitoring Officer).
7. You must not prevent a person from gaining access to information to which they are entitled.
8. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
9. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
10. You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements, and ensure that the resources are not used improperly for political purposes.
11. You must have regard to the Code of Recommended Practice on Local Authority Publicity.
12. When reaching decisions, you must have regard to relevant advice from the Authority's officers and give reasons for decisions.

Part 2: Registration and Disclosure of Interests Disclosable Pecuniary Interests

13. You must, within 28 days of becoming a member or co-opted member, notify the Authority's Monitoring Officer of any disclosable pecuniary interest as set out in Part 3 of the Code, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners, and where you are aware that that other person has that interest. The Authority's Monitoring Officer will cause the interest notified to be entered in the Authority's Register of Interests.
14. Where a disclosable pecuniary interest has not been entered in the Register of Interests, and it is a disclosable pecuniary interest in any matter being considered at

a meeting of the Authority, committee or sub-committee at which you are present, you must disclose the interest to the meeting, except where the matter is a 'sensitive interest'³. Where the interest is a 'sensitive interest', you must disclose merely the fact that you have a disclosable pecuniary interest in the matter concerned.

15. Where you have a disclosable pecuniary interest in any matter being considered at a meeting of the Authority, committee or sub-committee, you must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless you have obtained a dispensation from the Standards and Governance Committee. However, this does not prevent you from making representations on the matter to the meeting, in accordance with the Authority's deputations procedure, provided that you withdraw from the room when those representations are concluded and before any discussion or vote takes place.
16. Following any disclosure of an interest not on the Authority's Register of Interests maintained by the Authority's Monitoring Officer, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Personal Interests

17. You have a "personal interest" in an item of business where it relates to or is likely to affect any of the following bodies of which you are a member: a public or charitable body, any body to which you have been appointed by the authority, any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy.
18. You also have a personal interest in an item of business where a decision in relation to it might reasonably be regarded as affecting the well being or financial position of you, a member of your family or person with whom you have a close association, more than other council tax payers, ratepayers or inhabitants of the Authority's area.
19. You must disclose a personal interest at a meeting of the Authority, committee or sub-committee, where you consider that interest to be relevant to an item of business being considered at that meeting. The disclosure shall be made at the commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting.

³ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

20. Disclosure of a personal interest does not affect your ability to participate in discussion or vote on the relevant item, provided it is not also a disclosable pecuniary interest.

Gifts and Hospitality

21. You must enter in the Authority's register of interests the receipt of any gift or hospitality, where you estimate the value to be at least £50, within 28 days of receipt.

Part 3: Disclosable Pecuniary Interests

22. In accordance with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, the pecuniary interests required to be disclosed are set out below:

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(2).</p>
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge) -
(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either -
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix 4

Hampshire and Isle of Wight Fire and Rescue Authority: Protocol for the filming, photographing and audio-recording of all public meetings, and reporting on all public meetings

1. The Openness of Local Government Bodies Regulations 2014 came into force on 6th August 2014. The new Regulations gave the public and press new legal rights to record and report at public meetings of Hampshire and Isle of Wight Fire and Rescue Authority (“the Authority”) and/or its committees and/or sub-committees, including the use of digital and social media.
2. The Authority is committed to being open and transparent in the way it conducts its business. Any persons, including professional, citizen journalists or members of the public, are welcome to take photographs, film and audio-record the proceedings, and report on the proceedings at any meetings of the Authority and its committees and sub-committees, that are open to the public. The Authority also welcomes the use of social media (such as Twitter, YouTube and Facebook) and micro blogging to communicate with people about what is happening, as it happens.
3. This Protocol provides practical information to assist anyone considering filming, photographing or making audio recordings of public meetings, and reporting of those meetings, including the use of digital and social media.
4. Whilst no prior permission is required to carry out the recording and reporting, as a courtesy to the public, officers and members, anyone intending to film, photograph or audio record, or report a public meeting of the Authority and/or its committees/sub-committees is encouraged to contact the Monitoring Officer for advice and guidance within 48 hours of the meeting. Reasonable advance notice will enable practical arrangements to be made and special requirements to be discussed, such as space to view and hear the meetings, seats, and a desk. In addition the Monitoring Officer can inform the relevant Chair of what is to take place on the day.

5. Flash photography, additional lighting or large equipment will not be permitted, unless it can be accommodated without causing disruption to the proceedings. Requests to use equipment of this nature will be subject to consideration of the constraints of the meeting rooms. Anyone filming, photographing and/or audio-recording, or reporting a meeting of the Authority shall bear all the costs of doing so themselves.
6. The Chair of the meeting will be informed of any intention to film, photograph and/or audio-record, or report and s/he will, at the beginning of each meeting, make an announcement that the meeting may be filmed, audio-recorded or photographed, or reported and will ask if anyone actively objects to this. Anyone who remains at the meeting after the Chair's announcement will be deemed to have consented to the broadcast of their image and anything they say.
7. In addition to the right of persons to film, photograph and/or audio-record, as set out above, the Authority may film and live stream full Authority meetings on its own website. Such recordings may also be made available for repeated viewing on the website for a period following the meeting.
8. In respect of physical meetings, a note will also be posted on the door of the meeting room advising anyone who attends the public meeting that the meeting may be live streamed on the Authority's website (in the case of full Authority meetings) and that they may be filmed, photographed and audio-recorded, and reported on and that by attending the public meeting they are consenting to the broadcast of their image and anything they say. Meeting agendas for physical meetings will also include the following statement:

“The Openness of Local Government Bodies Regulations are in force, giving a legal right to members of the public to record (film, photograph and audio-record) and report on proceedings at meetings of the Authority, and its committees and/or its sub-committees. The Authority has a protocol on filming, photographing and audio-recording, and reporting at public meetings of the Authority which is available on our website. This includes, in the case of full Authority meetings, live streaming of the meeting on the Authority's website. At the start of the meeting the Chair will make an announcement that the meeting may be recorded and reported. Anyone who remains at the meeting after the Chair's announcement will be deemed to have consented to the broadcast of their image and anything they say.”
9. It should be noted that the Chair of a meeting will have absolute discretion to terminate or suspend the meeting for a period not exceeding 30 minutes, if, in their opinion, continuing to exercise any of the above activities would distract or disrupt the meeting, and this could result in expulsion of the person. Essentially, disruptive behaviour can, for the purposes of this protocol, include:

- a. Moving to areas outside the areas designated for the public without the consent of the Chair;
 - b. Excessive noise in recording or setting up or re-siting equipment during the debate/discussion;
 - c. Intrusive lightning and the use of flash photography;
 - d. Asking for people to repeat statements for the purpose of recording.
10. In allowing filming, photography or audio-recording, or reporting to take place, the Authority requires those participating not to edit the film, photograph or audio-recordings, and report in a way that could lead to misinterpretation of the proceedings of the meeting. This includes refraining from editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being photographed, filmed or recorded. When published or broadcast, recordings and reports are to be accompanied by information including when and where the recording and/or reporting was made and the context in which the discussion took place.
11. Deputations will be invited to declare their names before speaking. In making a deputation, individuals will by doing so, give their consent to be filmed, photographed, audio-recorded, or reported.
12. The Authority may wish to maintain its own record of proceedings to ensure a comparison copy is available. It may choose to publish this via its own web- site. No copies or transcripts will, however, be made available from the Authority's own records.
13. Written minutes of meetings, once confirmed, will remain the formal record of all decisions taken.
14. All meetings of the Authority, committees and sub-committees are open to the public except in limited circumstances where the Authority is legally required, or allowed, to close the meeting to the public. Any recording or reporting of such meetings should cease immediately if and when the Chair of the meeting agrees to formally exclude the Press and public due to the business of an Exempt or confidential nature.
15. Recording and reporting of the Authority's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The Authority accepts no liability whatsoever for such breaches.
16. Where virtual meetings of the Authority are permitted, then this Protocol shall apply to any virtual meetings held but shall be interpreted in such a way as to give effect to the Openness of Local Government Bodies Regulations 2014 and any other legislation or other legal requirements applicable to virtual meetings of the Authority.

Appendix 5

Protocol for Member - Officer Relations

1 Introduction

- 1.1 An effective and professional relationship between Members and Officers in which both understand each other's role is essential in the success of the Hampshire and Isle of Wight Fire and Rescue Authority and Service. The roles are complementary to each other and ensure effective governance which is transparent and accountable.
- 1.2 The purpose of this protocol is to give clarity to the role and expectations of Members and Officers to ensure mutual respect and trust. It is also intended to help Members and Officers perform effectively in their roles and ensure an understanding of the relationship.
- 1.3 The protocol applies to Members of Hampshire and Isle of Wight Fire and Rescue Authority (including any co-opted Members) and Officers of Hampshire and Isle of Wight Fire and Rescue Service.
- 1.4 The protocol is approved by the Hampshire and Isle of Wight Fire and Rescue Authority and forms part of the Constitution.
- 1.5 The protocol must be read in conjunction with the Hampshire and Isle of Wight Fire and Rescue Authority Members Code of Conduct, the Hampshire and Isle of Wight Fire and Rescue Service Employee Codes of Conduct and all documents contained within the HIWFRA constitution.
- 1.6 The protocol is not prescriptive and does not cover every situation. The intention is to give guidance as to how to deal with certain issues and to be used as a reference point in maintaining high standards of conduct.
- 1.7 Breaches of this protocol and of the Members and Officer Codes of Conduct may result in disciplinary action.

2 Role of Officers

- 2.1 Officer (and staff) means any person employed by the Authority. Officers are accountable to the Chief Fire Officer.
- 2.2 Officers:
 - should seek to assist a Member when required but must not exceed the powers which have been delegated to the Chief Fire Officer set out in the Scheme of Delegation.

- can provide support services to Members (typing, stationary, printing, photocopying, transport) but only for Authority business and not in connection with party political campaigning activity.
- will not provide advice or information to a party group and should not be asked to brief a party group meeting or discussion.
- are accountable to the Authority for the implementation of policies, the delivery of services to communities and for the day to day management of services.
- will provide professional and technical advice to Members to assist with their policy and decision making functions

2.3 In fulfilling these roles, Officers can expect Members;

- to treat them with respect and courtesy
- to act with integrity, mutual support and confidentiality
- not to put Officers under any undue or unnecessary pressure
- not to ask Officers to take part in any work of a party political nature
- to be aware that support cannot extend beyond providing support, information and advice on Fire Authority matters
- to show commitment and attend public meetings and events (including Members Awareness Sessions)
- to demonstrate political leadership and direction
- to recognise the fact that Officers have delegated authority within the Scheme of Delegation
- not to use their positions or relationships to advantage or disadvantage a personal interest or to influence a decision improperly
- to obtain agreement in advance from the Station Manager if visiting a station so as to avoid adverse impact on operational activities or planned training
- to comply with the Members Code of Conduct
- to have due regard to any advice, guidance and training on Members' roles and responsibilities
- to be committed to Member Development and the use of Moodle for this
- to never act in a way which cannot be justified to the public

2.4 Officer representation at Fire Authority meetings will consist of the Monitoring Officer, the Chief Fire Officer and/or Deputy Chief Fire Officer and Chief Financial Officer. Other Directors and Officers will attend if required to present a report and in the absence of any of the roles above.

Officer representation at Standards and Governance meetings will consist of: DAMs representatives, the Chief Fire Officer or his/her representative, members of the

Executive Team as appropriate and such other officers as are required depending on the agenda.

3 Role of Members

3.1 Members of the Authority are appointed by Hampshire County Council (HCC), Portsmouth City Council (PCC), Southampton City Council (SCC) and Isle of Wight Council (IWC).

3.2 The responsibilities of the Authority are set out in the Constitution.

3.3 Members:

- should not involve themselves in the day to day management of the Service but are entitled to be listened to when raising issues on behalf of the people they represent.
- can approach the Chief Fire Officer, Monitoring Officer or Chief Financial Officer to provide them with information required to fulfil their role as a Member
- follow Authority policies for the access to documents and information held (adhering to the Data Protection and Human Rights Acts)

3.4 In fulfilling their roles, Members can expect Officers to:

- provide objective unbiased information and advice on matters of the Authority
- act with integrity and respect confidentiality within the limits of each own Officer's responsibility
- respect and support the role of each Member along with associated workloads and pressures
- not copy any correspondence provided to them to another Member without making it clear that they are doing this
- behave professionally perform their duties effectively and efficiently
- be aware of and sensitive to the political environment
- support the Member role and development of the role
- comply with the Hampshire and Isle of Wight Fire and Rescue Service Employee Codes of Conduct

4 Role of Chairman and Vice Chairman

4.1 The Chairman and Vice Chairman of the Authority are elected by the Authority. They are responsible for visibly leading the Authority. The Chairman, and in his/her absence the Vice Chairman will have the following roles and functions:

- Chairing Authority meetings – the Chairman will preside over Authority meetings and ensure that they are conducted in accordance with the Standing Orders of the Authority, set out in this Constitution;
- Ensuring that Authority meetings are a forum for the debate of matters of concern to Members and a place at which Members are able to hold Officers and the Authority to account;
- Promoting public involvement in the Authority's activities;
- Representing the Authority at such Civic and ceremonial functions as may be appropriate
- Upholding the Constitution of the Authority.

4.2 The Chairman will have regular one to one briefings with the Chief Fire Officer.

4.3 The Chairman and Vice Chairman of the Authority will not hold the Member Development role but can form part of a working group.

5 Role of all other Members

5.1 Members can request a briefing with the Chief Fire Officer or another Officer if required.

5.2 The Role of the Chair and Vice Chair of the Standards and Governance Committee is to chair meetings of the Standards and Governance Committee and ensure that they are conducted in accordance with the Authority's Standing Orders.

5.3 Role of Working Groups:

Working Groups are set up when there is a requirement for Members to work together on a specific area of Authority business. The working group will then feed back to the Fire Authority. A Member Working Group will not exercise any decision making functions.

5.4 ~~The Member Development Role:~~

~~If appointed, the Member Development role is responsible for ensuring the learning and development of all Members of the Authority is catered for.~~

Development is available to all Members. Officers will ensure opportunities for development are highlighted to Members. Members will receive an annual induction session and ongoing awareness sessions facilitated by Officers.

- 6 The operation of this protocol will be monitored by the Authority and reviewed as required.
- 7 The Monitoring Officer to the Authority, when required, will offer advice on the implementation and operation of the protocol.

Appendix 6 – Communications Protocol



COMMUNICATIONS GUIDANCE FOR HIWFRA MEMBERS

This document has been produced to provide guidance on how to use information and intelligence provided to you by HIWFRS officers and advise on ways it can be distributed.

Our Control Room can be contacted on the number below at any time to enquire about an incident or to be put through to an officer or the on-call duty press officer:

Tel: 0203 162 0063

The 10 guiding principles:

1. Members play a pivotal role in advocating the work of HIWFRS and this should not be constrained in any way.
2. Information provided by HIWFRS officers should be used and disseminated in an appropriate manner.
3. The use of any provided information should reflect the Members Code of Conduct and the values of the Fire Authority.
4. Consider - what is the purpose or public benefit of the information you are sharing?
5. When information is provided, seek clarity from officers, if necessary, on how that information should be used.
6. Information shared may be personal or sensitive, so seek clarity on its use if unsure.
7. Think before posting on social media – be aware of the speed information travels online.
8. If approached by the media or a constituent to discuss an issue, speak to an officer to be clear on the facts (if necessary)
9. Be aware of the context in which you are responding and be clear on the difference between factual information or a personal opinion.
10. To the public, you are always a Member of the Fire Authority.

Why information is shared with Members by HIWFRS officers:

- To help you fulfil your role as Members
- To provide you with suitable information to be a community touchpoint for your residents
- To ensure you are briefed ahead of any enquiries from the media or public

Ways information can be shared:

- Media
- Social media
- Press releases
- Printed material (leaflet, newsletter etc)
- Comments made in public
- Conversations with constituents
- Public meetings
- Local authority meetings
- Any occasion when you can be seen to be acting as a HIWFRA Member

Appendix 7 – Code of Corporate Governance

Code of Corporate Governance

1. Introduction

- 1.1. Governance is about how **we make sure that we are doing the right things, for the right people, in a way which is timely, open, honest and accountable.**

Governance comprises the arrangements put in place to ensure that intended outcomes for stakeholders are defined and achieved.

- 1.2. The Hampshire and Isle of Wight Fire and Rescue Authority (“HIWFRA”) have key statutory responsibilities as set out in this Constitution.
- 1.3. The HIWFRA have approved and adopted this Code of Corporate Governance in accordance with the core principles set out in the Chartered Institute for Public Finance and Accountancy (CIPFA) Delivering Good Governance in Local Government Framework (2016 edition). The Framework defines the principles that should underpin the governance of each local government organisation and provides a structure to assist with the approach to governance. To achieve good governance, each local government organisation should demonstrate that they comply with the core principles set out below.
- 1.4. The Monitoring Officer will be responsible for monitoring and reviewing the operation of the Code of Corporate Governance and reporting annually to the Standards and Governance Committee through the Annual Governance Statement.

The Monitoring Officer will be assisted by the Chief Financial Officer and Chief Internal Auditor. The Code of Corporate Governance links to the Annual Governance Statement which is included within the Authority’s Statement of Accounts.

- 1.5. The seven core principles from the Good Governance in Local Government Framework (2016 edition) form the basis on which effective governance should be built:

- Behaving with integrity, demonstrating strong commitments to ethical values and respecting the rule of law
- Ensuring openness and comprehensive stakeholder engagement
- Defining outcomes in terms of sustainable economic, social and environmental benefits
- Determining the interventions necessary to optimise the achievement of the intended outcomes
- Developing the entity’s capacity including the capability of its leadership and the individuals within it
- Managing risks and performance through robust internal control and strong financial management
- Implementing good practices in transparency, reporting and audit to deliver effective accountability

1.6. This Code of Corporate Governance relates to how the HIWFRA carries out their role. It does not directly relate to the role and responsibilities of the Hampshire and Isle of Wight Fire and Rescue Service (HIWFRS). However, the HIWFRA recognises that they have a responsibility for ensuring the Service also adheres to the core principles within the Local Government Framework and will require the Chief Fire Officer to demonstrate this.

2. The Code of Corporate Governance

2.1. The HIWFRA have developed a local Code of Corporate Governance which incorporates the core good governance principles. The HIWFRA Code of Corporate Governance demonstrates how they commit to the core principles and how they will achieve the commitment.

2.2. The way in which each of the core principles of good governance are put into practice by HIWFRA is set out in the Authority's Annual Governance Statement which is published on the Authority's web pages. To support the Annual Governance Statement, a table is created which provides evidence as to how the core principles of good governance are being met. This table is below.

3.1. The Annual Governance Statement is reviewed annually alongside the table below.

'The International Framework: Good Governance in the Public Sector' defines 'governance' as comprising the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved. The framework also states that to deliver good governance in the public sector both governing bodies and individuals working for them must try to achieve their entity's objectives while acting in the public interest at all times.		
	Principle	Policy/Documents
A	Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	<p>HIWFRA Governance Review</p> <p>Hampshire and Isle of Wight Fire and Rescue Authority Constitution including; Scheme of Delegation Contract Standing Orders Financial Regulations</p> <p>Leadership Framework Fire Authority Members Code of Conduct Arrangements for Assessment, Investigation and Determination of a complaint that a Member has failed to comply with the Members' Code of Conduct Members Register of Interests Register of interests for staff Communications protocol for Members Protocol for Members/officers Members' Allowance Scheme Anti-Theft, Fraud Corruption and Bribery Policy Sponsorship and Charities position Policy Gifts and hospitality register for staff</p>

		<p>Political Restrictions on Local Government employees policy Disclosure and Barring Policy Safeguarding Children, Young People & Adults at Risk Policy</p> <p>Complaints policy Code of Conduct for Staff</p> <p>Health and Safety Statement of Intent</p> <p>HIWFRS Governance Framework</p> <p>Policy, Procedure and Guidance (PPG) Framework</p>
B	Ensuring openness and comprehensive stakeholder engagement.	<p>HIWFRA Safety Plan</p> <p>Publication scheme Freedom of Information Policy Procurement data published on website Transparency Agenda</p> <p>Fire Authority and Committee papers Report template and guidance for staff</p> <p>Previous consultation including Risk Review consultation, Combined Fire Authority consultation and Budget Consultation</p> <p>LGA Peer Review</p> <p>Members Allowances Scheme Pay Policy Statement</p>
C	Defining outcomes in terms of sustainable economic, social and environmental benefits.	<p>HIWFRA Safety Plan</p> <p>Corporate Governance Framework Directorate Plans Impact Assessments Change Management Organisational Learning</p> <p>People Impact Assessments</p>
D	Determining the interventions necessary to optimise the achievement of the intended outcomes.	<p>Corporate Governance Framework Report templates</p> <p>Budget and precept requirement Budget and outturn monitoring reports Service Improvement Plan Annual Audit and Inspection Letter</p> <p>Risk Management Policy and registers</p>
E	Developing the entity's capacity including the capability of its leadership and the individuals within it.	<p>Members Updates and Diary Dates</p> <p>Member Awareness sessions Members Development</p>

		<p>People and Organisational Development Policy</p> <p>Performance Development Review Process</p> <p>Workforce Development offer Online training tools</p>
F	Managing risks and performance through robust internal control and strong public financial management.	<p>Risk Management Policy Integrated Performance and Assurance Board</p> <p>Mid-Year and End of Year^A Performance Reports to HIWFRA Internal Audit Plan Internal Audit Charter External Audit Anti-Theft, Fraud, Corruption and Bribery Policy</p> <p>Internal Audit Opinion Standards and Governance Committee terms of reference</p> <p>Medium term financial plan Reserves Policy</p> <p>Treasury Management Strategy</p>
G	Implementing good practices in transparency reporting and audit to deliver effective accountability.	<p>Internal Audit Charter</p> <p>Internal Audit progress reports to Standards and Governance Committee</p> <p>External Audit letter and reports</p>

APPENDIX 8

THE AUTHORITY’S KEY STATUTORY RESPONSIBILITIES

The table below summarises the key statutory responsibilities of Hampshire and Isle of Wight Fire and Rescue Authority. It is not intended to be an exhaustive list of all pieces of legislation that apply to the Authority. It is an aide memoir in respect of key statutory provisions.

Legislation	Key points	Key responsibilities within HIWFRA
<p>Hampshire & Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020</p>	<p>Established a fire authority for the Combined areas of the councils of Portsmouth City Council, Southampton City Council, Isle of Wight Council and Hampshire County Council.</p> <p>Sets out high level constitutional arrangements of HIWFRA</p>	<p>Monitoring Officer (MO): Advises on constitutional issues/compliance.</p> <p>Chief Fire Officer: Understands principles and ensures compliance within the Service.</p> <p>Members: understand structure/key principles</p>
<p>Fire and Rescue Services Act 2004</p>	<p>Sets out HIWFRA’s statutory The main duties/powers include:</p> <ul style="list-style-type: none"> • Fire safety – the promotion of fire safety in the Authority’s geographical area. • Fire fighting – extinguishing fires and protecting property and life in Authority’s geographical area. • Road Traffic Accidents - Rescuing people in the event of RTAs and protecting people from serious harm in the event of RTAs in the Authority’s geographical area, to the extent considered reasonable. 	<p>Chief Fire Officer: Understands the functions and ensures the Service discharges them</p> <p>Monitoring Officer: Advises on functions and compliance.</p> <p>Members: Understand functions and compliance</p>

	<ul style="list-style-type: none"> Emergencies – such functions as the Secretary of State confers relating to emergencies other than fires and road traffic accidents in the Authority’s geographical area. 	
Local Government Act 1972	A fire and rescue authority is a “principal council” for the purposes of various provisions in the Local Government Act 1972 – E.g. public access to meetings, agenda papers and minutes, discharge of functions etc.	<p>Monitoring Officer: advises on responsibilities and compliance</p> <p>Members: Understand at appropriate level the framework within which H&IWFRA operates.</p>
Regulatory Reform (Fire Safety) Order 2005	<p>HIWFRA is the Enforcing Authority for fire safety duties in respect of relevant premises in the Authority’s geographical area.</p> <p>HIWFRA is responsible for appointing inspectors for the purposes of enforcement.</p>	<p>Chief Fire Officer: Operational responsibility for enforcement/ appointing inspectors.</p> <p>MO: advises on functions/legal issues associated with enforcement.</p>
Policing and Crime Act 2017	<p>Introduces a duty to keep collaboration with other blue lamp services under consideration.</p> <p>Introduces a duty to have regard to the Policing and Crime Plan for the area.</p> <p>Introduces new powers in respect of governance of Fire and Rescue functions.</p>	<p>Chief Fire Officer: Understands duties and ensures compliance within the Service.</p> <p>Members: Understand new governance arrangements and provide strategic direction.</p> <p>MO: Advises on functions and compliance.</p>
Fire and Rescue National Framework	<p>Issued by the Secretary of State pursuant to the 2004 Act.</p> <p>HIWFRA must have regard to the National Framework and as part of this must produce and maintain an Integrated Risk Management Plan, work with communities, collaborate with other FRAs to deliver interoperability etc.</p>	<p>Chief Fire Officer: Understands duties and ensures compliance/delivery within the Service.</p> <p>Members: Understand obligations and ensure Service is led and managed in a way that meets them.</p> <p>MO: Advises on responsibilities and compliance.</p>



**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

Purpose: Approval

Date **14 APRIL 2021**

Title **PENSION CONSIDERATIONS FOR THE COMBINED FIRE AUTHORITY**

Report of Chief Financial Officer

SUMMARY

1. This report provides an update on the development of key items associated with pension decisions relating to the new Combined Fire Authority. As a new entity, there is a requirement to take specific decisions around a number of pension related items as set out in this report.
2. For the most part these mirror decisions or policies that were already in place within both Hampshire and the Isle of Wight Fire and Rescue Authorities but in some areas there are differences, which have been highlighted within the report.

SALARY SACRIFICE SHARED COST AVCs

3. For Local Government Pension Scheme (LGPS) members, they have the option of topping up their pension by paying into Additional Voluntary Contributions (AVCs). Any AVCs paid by the member attract tax relief.
4. Prudential, one of the AVC providers for Hampshire Pension Fund, has the facility to allow a Salary Sacrifice Shared Cost AVC (SS SCAVC) arrangement. This means that both the employer and employee contribute to the SS SCAVC; The employee sacrifices part of their salary and the employer pays this to the AVC fund and the employee must pay £1 as their contribution.
5. The benefit of this arrangement over a standard AVC is that both the employee and the employer will pay less in National Insurance contributions.
6. It is proposed that from 1 April 2021, that this facility is offered to all LGPS members employed by the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA).

DISCRETIONS POLICY

7. The pension schemes require employers to take discretions for certain rules within the legislation. These are formed into policies called Discretion Policies.
8. Part of the work to align Hampshire and the Isle of Wight in preparation for the Combined Fire Authority from 1 April 2021 was to look at the discretions policies in place for both authorities in respect of the LGPS and the Fire Pension Scheme.
9. The policies from both authorities do align which means that there are no amendments required and therefore we are recommending that these are published in the new format under the new employer name of Hampshire and Isle of Wight Fire and Rescue Authority. The LGPS Discretions Policy can be found in APPENDIX A, and the Fire Pension Scheme Discretions Policy can be found in APPENDIX B.
10. The only item which is not aligned is regarding Temporary Promotions for the Fire Pension Schemes and this is a separate item below.

FIRE PENSION SCHEME TEMPORARY PROMOTIONS

11. On 1 July 2013, the 1992 Fire Pension Scheme regulations were amended in that each FRA had to make their own decision about whether to treat Temporary Promotions as pensionable or not.
12. Prior to this date, Temporary Promotions were all pensionable and the member was entitled to use the Temporary Promotion pay as their final pay when it came to calculate their pension benefits.
13. The change from 1 July 2013, not only allowed each FRA to determine the pensionable status of Temporary Promotions, but where it was deemed to be pensionable going forward, it removed the right to have it treated as final pay and instead the legislation allowed for it to be awarded as an Additional Pension Benefit (APB). This is an additional amount which is added to the members annual pension, based on the amount of Temporary Promotion pay, the contributions paid on it and the age of the member at the end of each Scheme Year.
14. HFRA made the decision to make temporary promotions pensionable but the IOW did not. This means that up to the point of the combination of the Fire Authorities, IOW members will have any Temporary Promotions treated as non-pensionable.
15. As the HIWFRA becomes a new employer from 1 April 2021, a new decision has to be made as to the pensionable status of Temporary Promotions for all members from that date going forward.

16. It is recommended that from 1 April 2021 all Temporary Promotions within the 1992 or 2006 Fire Pension Schemes for members employer by HIWFRA are treated as pensionable and awarded an APB in respect of the additional pay received.
17. There is one 2006 Fire Pension Scheme member from the IOW that is on a Temporary Promotion This will continue to be paid as non-pensionable up to 31 March 2021, but from 1 April 2021, it will be paid as pensionable. This will mean that the member will see an increase in their monthly pension contribution deductions and there will be a corresponding increase in the employer contributions. The member is a retained fire-fighter so the impact of any associated costs will not be significant.
18. The member has been informed of the changes that will affect their pay from 1 April 2021 and that this is pending the approval of the Hampshire and Isle of Wight Fire Authority.

FIRE PENSION SCHEME RISK REGISTER

19. The Hampshire Fire Pension Board have a Risk Register and at the HFRA Firefighters Pension Board meeting in October, the Board were keen to add McCloud to the Risk Register as a separate item. The revised risk register can be found in APPENDIX C.

McCLOUD – IMMEDIATE DETRIMENT CASES

20. In August 2020 the Home Office issued a 6 page guidance note on Immediate Detriment, allowing FRAs to offer remedy to members that are due to retire. Whilst this provided some helpful information, it did not provide a clear set of rules to follow for all scenarios in all circumstances.
21. The LGA sought legal advice on behalf of FRAs specifically about the legality of the guidance note and whether it could be relied upon; the advice has been shared with the Scheme Managers.
22. Taking into account the Immediate Detriment (ID) guidance note, the legal advice and all the Fire Pension Schemes complexities, we are recommending that HIWFRA will not automatically apply ID in all cases, the reasons for this are:-
 - (a) The guidance is of an informal nature, it is subject to changes and it does not set out a series of clear rules to follow; there is a high risk to both HIWFRA and the member that incorrect choices or errors in manual calculations will be made.

- (b) We do not yet have the wording necessary for the waiver which the member would have to sign to say that they agree to remedy being given now on the basis of the information in the ID guidance and that they will accept the Government's final position, whatever that is. This wording is awaited from the Home Office and HM Treasury.
 - (c) Even if remedy, using the ID is given now, the case will have to be reviewed in April 2022 when the final position is known and it is expected that the member will be in a position where they will have further monies to pay – e.g. interest on contributions.
 - (d) Where a member will exceed their Annual Allowance or has a Pension Sharing Order within the remedy period, it is not possible to deal with these cases as the ID guidance does not explicitly explain how these cases should be treated.
 - (e) If ID were to be used on any cases, there would be a significant delay in paying any benefits as relevant information would need to be sought from the employer and manual calculations would need to be completed to be in a position to be able to present the member with a choice. The member would be encouraged to obtain independent financial advice to ensure that they are making the right decision. Only once a signed waiver declaration with an election of a choice would any benefits be able to be paid.
 - (f) No member will lose out, if ID is not utilised now, then all retired members will receive the choice of remedy after April 2022, this means that the member will have all the relevant details and the final Government position will be known. Where any arrears of pension are due these will be paid to the member and any monies due from the member can be offset against this.
23. Whilst it is recommended that this is adopted as the HIWFRA formal policy on the application of ID, we will consider individual cases on a case by case basis and in exceptional circumstances we will consider applying ID if certain conditions are met, i.e. that their circumstances are clear and straight forward.
24. We will have a conversation with members wanting to utilise ID and point out that if we use this now then we will have to review their case again in April 2022 and the position may change, but they will have to accept the Government's final position and they will not have another choice.
25. There is the potential that the benefits the member has received could be wrong and we would have to recalculate and recover any overpayments, along with them having to pay interest on contributions, and anything else that falls out of the Governments consultation response. After taking all of this into account the member will have the option to receive benefits based on the current legislation and wait to receive remedy until after April 2022 when the final position is known.

RECOMMENDATION

26. The Hampshire and Isle of Wight Fire and Rescue Authority are asked to note the content of this report
27. The HIWFRA are asked to approve the introduction of the Salary Sacrifice Shared Cost AVC arrangement as set out in paragraphs 3-6
28. The HIWFRA are asked to approve the LGPS Discretions policy as set out in paragraphs 7-10 and APPENDIX A
29. The HIWFRA are asked to approve the Fire Pension Scheme Discretions policy as set out in paragraphs 7-10 and APPENDIX B
30. The HIWFRA are asked to approve the decision to make Temporary Promotions pensionable as set out in paragraphs 11-18
31. The HIWFRA are asked to approve the Risk Register as set out in paragraph 19 and APPENDIX C.
32. The HIWFRA are asked to approve the decision not to apply Immediate Detriment automatically to all Fire Pension Scheme cases in respect of McCloud as set out in paragraphs 20-25
33. That the HIWFRA delegates authority to the Chief Financial Officer in consultation with the Chief Fire Officer to apply Immediate Detriment on a case by case basis if appropriate.

APPENDICES ATTACHED

34. APPENDIX A – Local Government Pension Scheme (LGPS) Discretions Policy
35. APPENDIX B – Firefighters Discretion Policy
36. APPENDIX C – Risk Register

Contact:

Claire Neale, Employer Pension Manager, claire.neale@hants.gov.uk,
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Policy

The Local Government Pension Scheme Discretionary Policy HR and Workforce Development Next review due: 31/03/2022



Description

The Local Government Pension Scheme Discretionary Policy.

Contents

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Introduction

Statement of policy on the Local Government Pension Scheme Regulations (LGPS) 2013 and the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.

This document sets out the scheme employer's policy on the operation of each of the mandatory discretions (and optional discretions where chosen) available under the LGPS Regulations. It states whether or not discretions will be operated and the circumstances and criteria for applying them.

Details

Employer name:	Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA)
Employer number:	00777
Policy effective from:	1 st April 2021

Part A – Mandatory discretions

Different discretions apply to members depending on the dates they were actively paying into the scheme. Part A is split into sections to reflect this.

The following discretions apply to members who were actively paying into the scheme as at 1 April 2014 onwards.

Power to award additional pension (Regulation 31)

Whether, at the full cost to the Scheme employer, to grant extra annual pension of up to the current published amount (figure at 1 April 2018 £6,822) to an active member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency [regulation 31 of the LGPS Regulations 2013].

Employer Policy Decision

Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) will not consider granting extra pension unless the scheme member is retired in the interests of efficiency of the service.

If a scheme member is retired in the interests of efficiency of the service, HIWFRA will consider granting (and paying for) additional pension in the Local Government Pension Scheme using an amount no greater than the payment the scheme member would have received had they been made redundant, and in any event no greater than the current published amount, this is reviewed each April in line with the 'Pensions Increase order'. There may be tax implications associated with this.

Shared cost additional pension contributions (Regulation 16(2e) (4d))

Whether, how much, and in what circumstances to contribute to a Shared Cost APC scheme

Where an active scheme member has decided to make Additional Pension Contributions (APCs) to purchase extra pension benefits up to the current published figure, the employer can resolve to **voluntarily** contribute towards the cost of this too.

Note: This does not include instances where the employee is paying for **lost** pension via an APC where the election was made in the first 30 days (or longer if the employer allows) – in this circumstance the employer **must** pay two-thirds of the cost of such purchase.

Employer Policy Decision

A contribution will only be made to meet the cost of a member's additional pension contributions where as an employer we are required to do so under the LGPS regulations.

Where a member is voluntarily making additional pension contributions, HIWFRA will not consider meeting any part of that cost.

*see Optional Discretions section

Whether to allow flexible retirement - (Regulation 30 (6)) & TP11(2) & R30(8)

Whether to allow flexible retirement for staff aged 55 or over who, with the agreement of the Scheme employer, reduce their working hours or grade [regulation 30(6) of the LGPS Regulations 2013] and, if so, as part of the agreement to allow flexible retirement:

- whether, in addition to the benefits the member has built up prior to 1 April 2008 (which the member must draw), to allow the member to choose to draw
- all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014, and / or
- all, part or none of the pension benefits they built up after 31 March 2014 [regulations 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014], and
- whether to waive, in whole or in part, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA) [regulation 3(5) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 and regulations 30(6) and 30(8) of the LGPS Regulations 2013]

Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up whilst still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade.

In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives the reduction either fully or in part or a member has protected rights.

Please be aware, if you allow members to retire under flexible retirement, and they meet the 85 year rule between the ages of 55 and 60, there may be a cost to the employer as there is no option to switch the 85 year rule off in this instance.

Employer Policy Decision

Whether to allow flexible retirement

HIWFRA may consent to a request for pension benefits being paid under the flexible retirement policy to an employee over the age of 55, providing:

- a) their remuneration is reducing by 40% either through a reduction in contractual hours or grade and does not incur a cost to the employer, or,
- b) where the reduction is less than 40% and does not incur a cost to the employer.

Whether to allow the member to choose to take:

- a) part or none of the pension benefits they built after 31 March 2008 and before 1 April 2014, and / or
- b) all, part or none of the pension benefits they built up after 31 March 2014

HIWFRA will allow a member to choose to draw all, part or none of their post 31 March 2008 and pre 1 April 2014 benefits, as long as there is no cost to the employer.

HIWFRA will allow a member to choose to draw all, part or none of their post 1 April 2014 benefits, as long as there is no cost to the employer.

Whether to waive, in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age

HIWFRA will not waive in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age.

Employees should note that the final decision as to whether to allow flexible retirement is at the sole discretion of Hampshire and Isle of Wight Fire and Rescue Authority as the employer.

Switching on the 85 year rule [paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]

Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

Active members are now able to voluntarily retire between ages 55 and 60. If they were a member of the LGPS on 30 September 2006 then some of their benefits could be protected from reductions applied to early payment under the 85 year rule. This rule only applies automatically to members voluntarily retiring from age 60 but the employer has the discretion to “switch it on” for voluntary retirements between age 55 and 60.

This discretion does not apply to flexible retirement (see [Regulation 30\(6\)](#)) whereby the 85 year rule is always switched on.

Where the employer does not choose to “switch on” the rule, then benefits built up would be subject to reduction in accordance with actuarial guidance issued by the Secretary of State regardless of whether a member meets the rule or not.

If the employer does agree to “switch on” the 85 year rule, the employer will have to meet the

cost of any strain on fund resulting from the payment of benefits before age 60 i.e. where the member has already met the 85 year rule or will meet it before age 60.

Employer Policy Decision

HIWFRA will not 'switch' back on the 85 year rule for employees leaving voluntarily between age 55 and 60.

Waiving of actuarial reductions - Regulation 30(8), TP3(1), TPSch 2, para 2(1), B30(5) and B30A(5)

Whether to waive, in whole or in part, any actuarial reductions on benefits which a member voluntarily draws before normal pension age (other than on the grounds of flexible retirement).

Employers can agree to waive any actuarial reductions due in the case of employees retiring anytime after age 55.

Employers should also note that the strain cost of any such retirements would need to be met by the employer and paid into the Pension Fund at the appropriate time.

There are 4 member groups which you would be making the discretions policy on, the below covers in what circumstance reductions can be waived and to which benefits these would apply:

Members joined before 1 October 2006 and who reached 60 before 1 April 2016 – Group 1

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2016
- To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2016

Members joined before 1 October 2006 and who reach age 60 between 1 April 2016 and 31 March 2020 and also meet their critical retirement age before 1 April 2020 (date member meets the 85 year rule) – Group 2

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2020
- To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2020

Members joined before 1 October 2006 and who reach age 60 after 1 April 2016 but before 31 March 2020 and don't meet their critical retirement age before 1 April 2020 (date member meets the 85 year rule) – Group 3

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014
- To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2014

Members joined after 1 October 2006 – Group 4

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014
- To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2014

Employer Policy Decision

Whether to waive any actuarial reductions for a member voluntarily drawing benefits before normal pension age (other than on the grounds of flexible retirement), as outlined above?

HIWFRA will not consent to waive any actuarial reduction applicable to an employee who retires voluntarily between age 55 and their Normal Pension Age.

HIWFRA will not meet the cost of actuarial reduction where an ex-employee voluntarily draws their reduced benefits between age 55 and their Normal Pension Age.

The following discretions apply to members who ceased active membership between 1 April 2008 and before 1 April 2014

Whether to “switch on” the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 – [paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]

Whether to “switch on” the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension?

A member with a deferred benefit who left the scheme voluntarily between 1 April 2008 – 31 March 2014 and who has subsequently become a deferred pensioner may now claim their benefits from age 55 without their employers consent. However, these benefits will be reduced for early payment.

Where a member has reached the 85 year rule at the point of retirement, an employer can consent to switching on the 85 year rule. Any ‘strain’ to the Fund will be payable immediately by the Scheme employer.

Employer Policy Decision

HIWFRA will not ‘switch’ back on the 85 year rule where an ex-employee draws their benefits voluntarily between age 55 and 60.

Whether to waive upon the voluntary early payment of deferred benefits or suspended tier 3 ill health pension, any actuarial reduction on compassionate grounds? [regulation 30(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 and paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]

Whether to waive reductions which may occur on deferred benefits claimed between ages 55-60 or suspended tier 3 ill health for leavers between 1 April 2008 and 31 March 2014.

A member with a deferred benefit who left the scheme voluntarily between 1 April 2008 – 31 March 2014 or was awarded a Tier 3 ill health pension under the 2007 Regulations and who has subsequently become a deferred pensioner may now claim their benefits from age 55 without their employers consent. However, these benefits will be reduced for early payment.

An employer can consent to waiving any reductions, on compassionate grounds, which may be applied to deferred benefits or suspended tier 3 ill health pension paid early.

Employer Policy Decision

HIWFRA will not waive any actuarial reductions which may occur on deferred benefits claimed between ages 55-60 or for a suspended tier 3 ill health for leavers between 1 April 2008 and 31 March 2014.

The following discretions apply to members whose active membership stopped between 1 April 1998 and before 1 April 2008

Whether to ‘switch on’ the 85 year rule upon the voluntary early payment of deferred benefits [paragraph 1 (1) (f) & 1 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) regulations 2014]

Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.

Deferred members who left the scheme after 1 April 1998 are now able to voluntarily retire between ages 55 and 60. If they were a member of the LGPS on 30 September 2006 then some of their benefits could be protected from reductions applied to early payment under the 85 year rule. This rule only applies automatically to members voluntarily retiring from age 60 but the ceding employer has the discretion to “switch it on” for voluntary retirements between age 55 and 60.

Where the employer does not choose to “switch on” the rule, then benefits built up would be subject to reduction in accordance with actuarial guidance issued by the Secretary of State regardless of whether a member meets the rule or not.

If the employer does agree to “switch on” the 85 year rule, the employer will have to meet the

cost of any strain on fund resulting from the payment of benefits before age 60 i.e. where the member has already met the 85 year rule or will meet it before age 60.

Employer Policy Decision

HIWFRA will not ‘switch’ back on the 85 year rule where an ex-employee draws their benefits voluntarily between age 55 and 60.

Whether to grant applications for the early payment of pension benefits on or after age 50 and before age 55 [regulation 31(2) of the LGPS Regulations 1997].

Whether to grant application for early payment of deferred benefits on or after age 50 and before age 55.

A member with a deferred benefit who left the scheme between 1 April 1998 – 31 March 2008 can claim their benefits from age 50 with their employers consent.

However, these benefits may be reduced for early payment and/or be subject to an unauthorised payment charge under the Finance Act 2004.

Employer Policy Decision

HIWFRA will not consent to the early payment of deferred benefits to individuals benefits between ages 50 and 55, unless there is no cost to HIWFRA.

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65 [regulation 31(5) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014].

Whether to waive any actuarial reduction on compassionate grounds which would normally be applied to benefits which are paid before age 65.

Employers can agree to waive any actuarial reductions on compassionate grounds due in the case of employees who ceased active membership between 1 April 1998 and 31 March 2008.

Employers should note that the strain cost of any such retirements would need to be met by the employer and paid into the Pension Fund at the appropriate time.

Employer Policy Decision

HIWFRA will not waive any actuarial reductions on compassionate grounds due in the case of employees who ceased active membership between 1 April 1998 and 31 March 2008 who are paid before age 65.

The following discretions apply to members who ceased active membership before 1 April 1998

Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds [regulation D11(2)(c) of the LGPS Regulations 1995].

Whether to grant early payment of a deferred benefit on compassionate grounds, on or after age 50 and before NRD.

An employer can grant application for early payment of deferred benefits on or after age 50 on compassionate grounds.

However, these benefits may be reduced for early payment and/or be subject to an unauthorised payment charge under the Finance Act 2004.

Employer Policy Decision

HIWFRA will not consent to the early payment of deferred benefits on compassionate grounds to individuals between age 50 and NRD, unless there is no cost to HIWFRA.

- These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to affected employees.
- Any changes to this policy will be notified to the Hampshire Pension Fund within 30 days of the change.

For the full list of discretions policies go to:

<http://lgpslibrary.org/assets/gas/ew/DISCLv1.6c.pdf>

Signed on behalf of:

Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA)

Completed by:

Rob Carr

Position:

Head of Finance

Signature:

Rob Carr

Date:

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Part B – Optional Discretions

(The two detailed are the most frequently used Regulations, but remain optional – see [LGA Discretions](#) for the full list of optional employer discretions)

Membership Aggregation Regulation 22 (7)(b),(8)(b)

Whether to extend the 12 month option period for a member to elect to join deferred benefits to their current employment/membership.

The election to keep separate pension benefits must be made within 12 months of becoming an active member, who must be active at the date of election.

An employer may allow a period longer than 12 months.

Employer Policy Decision

HIWFRA will not extend the 12 month period for a member to elect to not combine pension rights from previous local government employment with an ongoing concurrent employment.

If the election not to combine is not made within 12 months of the new active membership, then the previous LGPS membership will be combined with the members new LGPS membership.

Transfers of Pension Rights Regulation 100(6)

Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS .

Where an active member requests to transfer previous pension rights into the LGPS, the member must make a request within in 12 months of becoming an active member.

An employer may allow a longer period than 12 months.

Employer Policy Decision

HIWFRA will only accept a request to transfer previous pension rights into the LGPS if the election to do so is made within 12 months of becoming an active member of the LGPS.

Whether, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP) [regulations 21(5A) and 21(5B) of the LGPS Regulations 2013] regulation 7 of the LGPS (Amendment) Regulations 2018

If, in the Scheme employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (APP), is

materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay when calculating APP, having had regard to the level of pensionable pay received by the member in the previous 12 months.

Employer Policy Decision

HIWFRA will substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP), if in their opinion, the pensionable pay received in relation to an employment in the 3 months preceding the commencement of APP, is materially lower than the level of pensionable pay the member would have normally received.

Whether to extend 30 day deadline for member to elect for a shared cost APC Regulation 16(16)

Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve force service leave).

Employer Policy Decision

HIWFRA will extend the deadline for a member to elect for a shared cost APC to **60 days**, upon physical return to work from a period of absence from work with permission with no pensionable pay.

Signed on behalf of:

Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA)

Completed

Rob Carr

Position:

Head of Finance

Signature:

Rob Carr

Date:

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Updates

Section	What's been updated and why	Date updated	Who updated

Policy

The Firefighters Pension Scheme Discretionary Policies - 2015, 2006 and 1992 HR and Workforce Development Next review due: 31/03/2022



Description

This Policy describes the local decisions made by the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) in relation to the Firefighters Pension Scheme Discretionary Policies – 2015, 2006 and 1992.

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Details

Employer name:	Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA)
Policy effective from:	1 st April 2021

Introduction

This Policy is split into two parts:

- Part 1 - The Firefighters' Pension Scheme (England) Regs. 2014
- Part 2 - The Firefighters' Pension Scheme (England) Regs 2006 & 1992

Each part has its own scope. However, Firefighters of non-Hampshire and Isle of Wight Fire and Rescue Service bodies are excluded from this policy and should refer to their own employer's policies and procedures.

Part 1 - The Firefighters' Pension Scheme (England) Regs. 2014

Scope

This policy applies to all firefighters who are members of 'The Firefighters' Pension Scheme (England) 2015.

Discretions relating to the 2006 and 1992 schemes are appended to this Policy.

Special note

There are 52 employer discretions within the 2015 Firefighter's Scheme. Each discretion is separated, in this policy, into 3 boxes

- 1st box (in grey) = reference to the discretion number
- 2nd box = outline of the discretion the employer needs to consider
- 3rd box = HIWFRA's local decision around the discretion. Where the word 'Agreed' is placed in box 3, this means that HIWFRA has agreed to the discretion arrangements included in box 2.

Delegation (Regulation 5)

The scheme manager must ensure that delegated powers are appropriate and current.

Under the Scheme of Delegation the Chief Officer has discretion from the Authority to exercise all matters of day-to-day administration and operational management of the services and functions

Pensionable pay (Regulation 17)

The scheme manager has discretion to determine if continual professional development payments are to be treated as pensionable pay. [Regulation 17(1)(d)]

Continual Professional Development (CPD) will be treated as pensionable pay.

Contributions during absence from work due to illness, injury, trade dispute or authorised absence (Regulation 111)

Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the scheme employer may require that they should also pay employer contributions. [Regulation 111(2), (3) and (4)]

Illness and injury (Regulation 111(2)) – HIWFRA agree to delegate the authority to the Chief Officer, in consultation with directors, to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

Trade dispute (Regulation 111(3)) - Members will be required to pay the employer's contributions in accordance with regulation 117(3) in all cases of active member pension buy-back involving trade dispute(s) (unless exceptionally agreed differently by the Chief Officer).

Authorised unpaid absence (Regulation 111(4)) - HIWFRA agree to delegate the authority to the Chief Officer, in consultation with directors, to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

For all cases where regulations 111 paragraphs 2, 3 or 4 apply, contributions must be paid within 6 months of HIWFRA requesting the money and at the rate of pay applicable to the period of time. HIWFRA will normally make the request for the monies within 6 months of the absence/dispute ending.

Opting in/out (Regulation 12)

Opting into this scheme (Regulation 12) *An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the scheme manager to vary the date on which the person becomes an active member, to such other time as the scheme manager considers appropriate. [Regulation 12(5)]*

The opting-in date will take effect from the beginning of the first pay period following the date on which the option is exercised. (For information – the pay period is 2 weeks in advance and 2 weeks in arrears of the monthly pay date)

Opting out after the first three months (Regulation 16)

An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the scheme manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the scheme manager does consider appropriate. [Regulation 16(2)(b)]

The opting-out date will be the first day of the first pay period following the date on which the option is exercised.

Active membership (Regulation 19)

A person who is on unpaid authorised absence can count the period as active membership if the scheme manager permits them to be treated as an active member during that period.

HIWFRA agree to delegate the authority to the Chief Officer, in consultation with directors, to consider each case on an individual basis to determine whether the individual or HFRS pay the employer contributions (this is consistent with HIWFRA's response to **Regulation 111(4)**).

Establishment of pension accounts: general (Regulation 28)

The scheme manager must establish and maintain pension accounts for scheme members, but they may be kept in such form as the scheme manager considers appropriate. [Regulation 28(2)]

Agreed

Closure and re-establishment of active member's account (Regulation 37)

If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the scheme manager has discretion to choose. [Regulation 37(3), (4) and(5)]

Agreed

Closure of deferred member's account after gap in pensionable service not exceeding five years. (Regulation 49)

If a deferred member re-enters pensionable employment after a gap of five years or less, the scheme manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment - which one should close. If they fail to make a selection, the scheme manager must make the choice for them. [Regulation 49(3) and (4)]

Agreed

Employer initiated retirement (Regulation 62)

An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case. [Regulation 62(1) and (2)]

HIWFRA will not normally grant early payment of benefits for business efficiency purposes or waive any actuarial reduction, except in exceptional circumstances, after considering the business case. Agreement must be given by the Chief Officer, in consultation with directors.

Exercise of partial retirement option (Regulation 63) (i.e. flexible retirement)

An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the scheme manager and the partial retirement option is taken to be exercised on a date agreed between the member and the scheme manager. [Regulation 63(5)]

Agreed

Review of ill-health award or early payment of retirement pension (Regulation 68)

The scheme manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68(1) and (2)]

Refer to the `Firefighters Ill Health Retirement Policy and Injury Award Review`.

Consequences of review (Regulation 69)

If, following the review of a lower tier ill-health pension under Regulation 68, the scheme manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health, the employer must consider whether or not to make an offer of re-employment. [Regulation 69(3)]

Refer to the 'Firefighters Ill Health Retirement Policy and Injury Award Review'

Commencement of pensions (Regulation 70)

If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the scheme manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70(7)]

If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the scheme manager will decide the payment date after the claim for payment has been made. [Regulation 70(8)]

Agreed

Allocation election (Regulation 72)

The scheme manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member. (Consent can be withheld if the scheme manager is not satisfied that the person nominated is not substantially dependent of the active member.) [Reg. 72(3)(b) and (4)]

A decision will be made by the Chief Officer, in consultation with directors. The person nominated must be substantially dependent on the member.

Adjustment of allocated benefit (Regulation 75)

If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the scheme manager. [Regulation 75(1) and (2)]

Agreed

Meaning of "surviving partner" (Regulation 76)

A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The scheme manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76(1)(b)(v) and (2)]

The Chief Officer, in consultation with directors, will use his/her discretion in cases where the relationship is less than 2 years.

Person to whom lump sum death benefit payable (Regulation 95)

The scheme manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]

The Scheme Manager will use their discretion on who receives any lump sum death benefit where the matter does not appear straightforward.

Payment of pensions under Part 6 "Death Benefits" (Regulation 100)

If a child's pension is due in respect of an eligible child under age 18, the scheme manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100(2)]

Agreed

Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)

A scheme manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the scheme manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 101(2) and (3)]

Agreed

Provisional awards of eligible child's pensions: later adjustments (Regulation 102)

If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the scheme manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 102(2) and (3)]

Agreed

Adjustment of benefits to comply with FA 2004 where members die over 75 (Regulation 104)

If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the scheme manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act. [Regulation 104(1)(a) and (2)]

Agreed

Member contributions (Regulation 110)

Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied. [Regulation 110(5)]

When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the scheme

manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110(7)(h)]

Regulation 110(5) - Any revision to the pension contribution rate will be noted on the individual's pay slip and a note included on the `Movement Notification` sent to the individual.

Regulation 110(7)(h) - For the purposes of calculating the correct contribution rate, under this regulation, any reduction in pensionable pay which occurs as a result of any of the following absences is to be disregarded

- (a) any statutory leave entitlement
- (b) child-related leave
- (c) authorised leave
- (d) sick leave
- (e) leave due to injury
- (f) reserve forces service leave
- (g) absence due to a trade dispute or
- (h) circumstances specified by the scheme manager in a particular case

Deduction and payment of contributions (Regulation 114)

Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the scheme manager and the member. [Regulation 114(1)]

Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulations 114(2)]

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the scheme manager. [Regulation 114(3)]

Regulation 114(1) – Pension contributions will normally be deducted, at source, on a monthly basis by Payroll
Regulations 114(2) /114(3) - Agreed

Statement of entitlement (Regulation 135)

The scheme manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement. The scheme manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period. [Regulation 135(4)]

Agreed

Request for acceptance of a transfer payment (Regulation 141)

*There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a **non-occupational pension scheme**. The scheme manager has the discretion to extend this period. [Regulation 141(3)]*

The individual must request a transfer payment from a non-occupational pension scheme within the first 12 months of employment with HIWFRA. Exceptionally, this period may be extended by the Chief Officer, in consultation with directors.

Transfer statement (Regulation 142)

*The scheme manager can require an active member to ask the scheme manager of a previous **non-club pension scheme** to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 142(2)]*

Agreed

Club transfer value statement (Regulation 144)

*The scheme manager can require an active member to ask the scheme manager of a previous **club pension scheme** to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144(2)]*

Agreed

Appeals and determinations concerning entries on the certificate (Regulation 148)

If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, they can require the scheme manager to deal with their disagreement under arrangements implemented by the scheme manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The scheme manager must have these arrangements in place. [Regulation 148(1)]

The agreed HIWFRA IDR procedure will be followed.

Determinations by the scheme manager (Regulation 151)

It is the scheme manager that must determine whether a person is entitled to an award or to retain an award. [Regulation 151]

Agreed

Role of IQMP in determinations by the scheme manager (Regulation 152)

The scheme manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152(1)]

If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager can make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence. [Regulation 152(7)]

Regulation 152(1) / 152(7) – Agreed

Review of medical opinion (Regulation 153)

Where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion,

the scheme manager may agree to giving the IQMP the opportunity of reviewing the opinion. Regulation 153(1).

Upon receiving the IQMP's response the scheme manager must confirm or revise its original determination and advise the member accordingly. [Regulation 153(4) and (5)]

Regulation 153(1) – The Senior HR Business partner and Head of Finance will consider the additional information and why it was not submitted previously and will decide whether the additional new information is substantial and should be referred to the IQMP (advice should be sought from the Occupational Health Department, as necessary)

Regulation 153(4) and (5) - Agreed

Notice of appeal (Regulation 155)

If a member wishes to appeal against a determination made by the scheme manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager has a discretion to extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied. [Regulation 155(2)]

Agreed

Reference of appeal to the board (Regulation 156 - See also Regulation 161)

Where a member has given notice of appeal to a board of medical referees, before the Board arranges a time and place for the interview and medical examination, a member of the Board will review the documents supplied to the Board in accordance with Regulation 156. If the Board member is of the opinion that the Board may regard the appeal as frivolous, vexatious or manifestly ill-founded the Board member will notify the Secretary of State accordingly. This will be copied to the scheme manager who must, in turn, send a copy of it to the scheme member advising that if their appeal is unsuccessful, the member may be required to pay the scheme manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal. [Regulation 156(8) to (12)]

Agreed

Procedure where appeal to be pursued (Regulation 157)

The scheme manager must decide which persons will attend the interview as its representatives. The scheme manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157(6) to (9)]

A written statement/evidence must be provided by the appellant or their representative. Where appropriate, a written statement/evidence will be submitted by the Scheme Manager.

Expenses of each party (Regulation 161)

If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the scheme

manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate.

[Regulation 161(2)] - If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(a)]

If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(b)]

Regulation 160(1) / 161(2) / 161(3)(a) / 161(3)(b) - Agreed

Appeals on other issues (Regulation 163)

If a member disagrees with a scheme manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the scheme manager to deal with the disagreement under requirements which the scheme manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. [Regulation 163]

HIWFRA` agreed IDR procedure will be followed

Commutation of small pensions (Regulation 167)

If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167(3)]

Agreed

Payments for persons incapable of managing their affairs (Regulation 168)

If it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled. If the scheme manager does not pay the benefits in this way, the scheme manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]

Agreed

Payments due in respect of deceased persons (Regulation 169)

If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]

Agreed

Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)

If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager can withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171(1), (2), (3) and (5).]

Where a pension is withheld, the scheme manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171(4)]

Any withholding of pension, under these circumstances, will be agreed by the Chief Officer, in liaison with directors.

(Info only - <http://www.kentpensionfund.co.uk/firefighter/firefighters-pension-scheme-1992-fps-1992/pensioner-member-receiving-a-pension/guaranteed-minimum-pension-gmp> provides a useful explanation on `guaranteed minimum pension`)

Forfeiture of pensions: offences committed by other persons (Regulation 172)

If a surviving partner or eligible child is convicted of the murder of a scheme member from whose benefits their pension would be derived the scheme manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the scheme manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172(1) to (5)]

[Regulation 172(1) to (5)]

Any withholding of pension, under these circumstances, will be agreed by the Chief Officer, in consultation with directors. Legal advice may be taken before reaching a decision.

Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)

If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the scheme

manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the scheme manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173]

A decision will be made by the Chief Officer, in consultation with directors. Legal advice may be taken before reaching a decision.

Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)

If a member has a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the scheme manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176. [Regulation 174]

Any withholding of pension, under these circumstances, will be agreed by the Chief Officer, in consultation with directors.

Set-off (Regulation 175)

A scheme manager has discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176. [Regulation 175]

Any withholding of pension, under these circumstances, will be agreed by the Chief Officer, in consultation with directors.

Payment on behalf of members of lifetime allowance charge (Regulation 178)

At a scheme member's request the scheme manager may pay, on the member's behalf, any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager may only comply with the request if the member pays the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs. [Regulation 178]

This will be considered by the Chief Officer and directors on a case-by-case basis

Evidence of entitlement (Regulation 184)

The scheme manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide such supporting evidence as the scheme manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme. [Regulation 184(1) and (2)]

If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme. [Regulation 184(3)]

Regulation 184(1) and (2) / Regulation 184(3) - Agreed

Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1 Part 1, Paragraph 4)

The total amount of accrued added pension must not exceed a certain limit. If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit the scheme manager may cancel the election (by written notice to the member). [Schedule 1 Part 1, Paragraph 4]

Agreed

Member's election to make periodical contributions for added pension (Schedule 1 Part 1, Paragraph 7)

If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid. [Schedule 1 Part 1, Para 7(3)]

Agreed and the Scheme Manager will liaise with the IBC Employers Pensions Admin Team before a method of payment is agreed.

Periodical payments (Schedule 1 Part 2, Paragraph 8)

If a scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the scheme manager may agree another method of payment. [Schedule 1 Part 2, Paragraph 8 (3)]

Agreed.

Periodical payments during periods of assumed pensionable pay (Schedule 1 Part 2, Paragraph 10)

After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The scheme manager can extend this period of six months. [Schedule 1 Part 2, Paragraph 10(4)]

Agreed.

Meaning of "tapered protection closing date" (Schedule 2 Part 1, Paragraph 3)

1992 Scheme - The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls.

2006 Scheme - The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager. [Schedule 2 Part 1, Paragraph 3(3); Schedule 2 Part 2, Paragraph 9(5); and Schedule 2 Part 3, Paragraph 21]

Agreed.

Part 2 - The Firefighters Pension Scheme Discretionary Policies – 2006 and 1992

The Firefighters' Pension Scheme (England) Regs 2006 & 1992.

Scope

Part 2 applies to all firefighters who are members of 'The Firefighters' Pension Scheme (England) Regulations 2006 or 1992'.

Temporary Pay	<ul style="list-style-type: none"> 1992 Scheme - (Amendment) (No.2) (England) Order 2013 1992 Scheme – SI 2013/1392 2006 Scheme – SI 2013/1393 	<p>HIWFRA has determined that temp. promotion, effected after 1 July 2013, will no longer be pensionable, however, APBs (Additional Pensionable Benefits) can accrue for those in the 1992 Pension Scheme who are on Temporary Promotion.</p>	
Abatement	<ul style="list-style-type: none"> 1992 Scheme -Reg. K4 2006 Scheme Reg. Part 9 Rule 3. 	<p>It is HIWFRA`s policy not to re-engage staff except in exceptional circumstances and only on a temporary basis for a maximum of 12 months. This excludes RDS roles where separate arrangements exist.</p> <p>The abatement of pension, on a £ for £ basis, will apply where earnings + pension in the new role exceed earnings in the previous role.</p>	
Medical required for purchase of 60ths	<ul style="list-style-type: none"> 1992 Scheme - Reg G6 	<p>No medical is required</p>	
Ceasing purchase of 60ths on the grounds of Financial hardship	<ul style="list-style-type: none"> 1992 Scheme Reg. G7 2006 Scheme Reg Part 11 Rule 8 (1) & (2) 	<p>Will grant a request in accordance with the 2006 Regulations - any period of greater than 6 months will result in cancellation of the additional purchase election.</p>	
Allow full 25% commutation where normally this would be 2.25 x annual pension	<ul style="list-style-type: none"> 1992 Scheme(Amend.) (No.2)(England) Order 2013 1992 Scheme - SI 2013/1392 2006 Scheme – SI 2013/1393 	<p>If an employee is over 50 but below 55 years of age and has over 25 but less than 30 years' pensionable service, the lump sum must not be greater than 2.25 times the pension before commutation. For employees who meet one of the following criteria, the maximum commutation is 25% of pension: i) with an ill health pension; ii) with an age retirement based on 30</p>	<p>Discretion will be considered on a case-by-case basis. The cost to HIWFRA would not normally exceed any statutory or enhanced redundancy pay where relevant and should result in associated</p>

		years' pensionable service; iii) with a deferred pension, or iv) at or after normal pension age (55)	savings from the resultant decrease in salary costs.
Unpaid absence - employer contributions	<ul style="list-style-type: none"> • 1992 Scheme 2008 consolidation F2 (4) • 2006 Scheme - Reg. Pt 11, Rule 9, para.4(c) 	<p>Illness and injury – HIWFRA agree to delegate the authority to the Chief Officer, in consultation with the Head of Finance, to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.</p> <p>Trade dispute - Members will be required to pay the employers contributions in accordance with regulation 117(3) in all cases of active member pension buy back involving trade dispute(s) (unless exceptionally agreed differently by the Chief Officer).</p> <p>Authorised unpaid absence - HIWFRA agree to delegate the authority to the Chief Officer, in consultation with the Head of Finance, to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.</p> <p>For all cases, contributions must be paid within 6 months of the employer requesting the money and at the rate of pay applicable to the period of time. The employer will normally make the request for the monies within 6 months of the absence/dispute ending.</p>	
Extension of time limits - transfer outs	<ul style="list-style-type: none"> • 1992 Scheme - Reg. F9 (5) • 2006- Scheme Reg. Pt 12, Rule 3 	HIWFRA has chosen not to set a time limit by which you must ask to transfer your HIWFRA pension into another provider`s scheme. There will be no cost to you for HIWFRA providing this information to your new provider	
Incapacity	<ul style="list-style-type: none"> • 1992 Scheme K1 (1 -3) • 2006 Scheme - Reg. Part 9 Rule 1 	Refer to the 'Firefighters Ill Health Retirement Policy and Injury Award Review Policy'.	
Ill Health / Injury Reviews	<ul style="list-style-type: none"> • 2006 scheme -Reg.Pt 8 Rule 3 	Refer to the 'Firefighters Ill Health Retirement Policy and Injury Award Review Policy'.	
Ill Health / Injury Appeals	<ul style="list-style-type: none"> • 2006 Scheme - Reg. Part 8, Rule 4 • 1992 Scheme - Schedule 9 Part 1 Annex 2 	Extensions to timescales for appeals will not normally be agreed. However, there may be exceptional or compassionate grounds and on these occasions a decision will be made on a case-by-case basis after seeking advice from the (Senior) HR Business Partner.	
Ill Health / Injury Appeals	<ul style="list-style-type: none"> • 1992 Scheme, Schedule 9 Part 1, Para. 8 • 2006 Scheme, Annex 2, 	HIWFRA would not expect the individual to pay the cost for referral to the Medical Appeal Board. However, if their claim is found to be	

	<ul style="list-style-type: none"> • Para. 10 	<p>“frivolous, vexatious or manifestly ill founded” (in liaison with the (Senior) HR Business Partner and sometimes by taking legal advice or advice from Occupational Health), or if they withdraw their appeal within 21 days of the interview, or medical examination, and a cost is incurred HIWFRA will recover this cost from them.</p>	
Repayment of Widow’s pensions	<ul style="list-style-type: none"> • 1992 Scheme C9 	<p>Under the 1992 Scheme a person entitled to a widow's pension who marries, remarries, forms a civil partnership or a subsequent civil partnership is not entitled to receive any payment on account of the pension in respect of any subsequent period; but if the marriage or civil partnership is dissolved or the other party to it dies the fire and rescue authority may pay the whole or any part of then pension for such period after the dissolution or death as they think fit.</p>	<p>HIWFRA will determine on a case-by-case basis whether to re-instate a widow's pension upon the subsequent death of the latter spouse / civil partner or dissolution of that latter marriage /civil partnership</p>
Payment of children's pensions	<ul style="list-style-type: none"> • 1992 Scheme - Reg.D(5) & (3) 	<p>HIWFRA would not automatically reinstate a child’s pension to a child age 17 or over, where there has been a break in full time education. Each would be reviewed on a case-by-case basis</p>	
Payment of children's pensions	<ul style="list-style-type: none"> • 1992 Scheme - Reg L5(1) • 2006 Scheme, Part 14, Rule 5 	<p>Should you die and your child be left with no surviving parents, HIWFRA may pay the benefits or any part of them to the person having the care of the child, or such other person as the Scheme Manager may determine, to be applied for the benefit of the child. If the Scheme Manger does not pay the benefits in this way, the Scheme Manager may apply them in such manner as they may determine for the benefit of the child.</p>	
Payment of children's pensions	<ul style="list-style-type: none"> • 1992 Scheme, Reg. D5(4) (c) & 3(a) • 2006 Scheme,Part 4, Rule 7 	<p>Should you die and leave a permanently disabled child, HIWFRA will determine the eligibility of their pension at this point. HIWFRA will ascertain, through the child’s GP, whether their condition requires reassessing and at what intervals. If the child is no longer assessed as being permanently disabled, HIWFRA would cease payment of the child’s pension. There may be exceptional or compassionate grounds where this may be re-considered depending on the circumstances of the case</p>	

<p>Spouse's Pension on living apart</p>	<ul style="list-style-type: none"> • 1992 Scheme, Reg.C8 (6 & 7) 	<p>1992 Scheme only - If there is evidence that the individual is permanently separated from their spouse and living apart (although not legally divorced) at the time of their death, their spouse would be entitled to a benefit payable at the rate of 1/160th of their average pensionable pay at the date of death for each year of service after 1978 (which is known as a requisite benefit).</p> <p>If they have remained financially dependent on them, they may be entitled to a higher benefit. HIWFRA would review this on a case-by case basis.</p>
<p>Incapacity</p>	<ul style="list-style-type: none"> • 1992 Scheme - Reg. K1A(2) • 2006 Scheme Part 9, Rule 3 	<p>If the IQMP recommends that the individual is now capable of carrying out the duties of their previous role, there is no automatic entitlement to be offered employment by HIWFRA. Each case will be referred to the Chief Fire Officer who will consult with directors before reaching a decision.</p>
<p>Trivial commutation</p>	<ul style="list-style-type: none"> • 1992 Scheme Reg B8, E5 & E7 • 2006 Scheme Part 3, Rule 10 	<p>If, upon retirement, the individual's pension is under the HMRC limits (less than 1% of the Life Time Allowance (LTA), HIWFRA will normally pay the pension in full, as a one-off lump sum. No further pension payments would be payable.</p>
<p>Dependent relative's gratuity (Reg. E3 FPS)</p>	<ul style="list-style-type: none"> • 1992 Scheme Reg.E3 	<p>HIWFRA does not normally approve payment to a dependent relative, other than that set out by the pension scheme. There may be exceptional or compassionate grounds where this may be considered by the Chief Officer, in consultation with directors.</p>
<p>Overpayments on death of pensioner</p>	<ul style="list-style-type: none"> • 2006 Scheme Reg Part 14, Rule 3 	<p>Where a person dies after receiving a payment, in advance, in respect of a pension or allowance, no claim for repayment shall be made.</p> <p>HIWFRA would normally seek recovery of any overpayment of £100+ for any period after the initial advance payment.</p>
<p>Normal retirement</p>	<ul style="list-style-type: none"> • 1992 Scheme Reg. 1(2)(b) 	<p>1992 Scheme - To be eligible to retire under the 1992 Scheme, you must be:</p> <ul style="list-style-type: none"> • aged 55 or over with at least 2 years' service, or • aged between 50 and 55, with at least 25 years' service. <p>In both cases you must receive permission from the Chief Officer to retire.</p>

		<p>2006 Scheme - To be eligible to retire under the 2006 Scheme, you must:</p> <ul style="list-style-type: none"> • be aged 60 or over, with at least 3 months' service; or • aged between 55-60 <p>In both cases you must receive permission from the Chief Officer to retire.</p>	
Member initiated early retirement	<ul style="list-style-type: none"> • 2006 Scheme Reg. Part 3, Rule 5 	<p>Under the 2006 Scheme, agreed retirement between 55 and 60 is referred to as "member initiated retirement"; benefits will be actuarially reduced to take into account the fact that the benefits will be paid for a longer period.</p>	
HFRS initiated early retirement	<ul style="list-style-type: none"> • 1992 Scheme - Reg. A14 • 2006 Scheme - Part 3, Rule 6 	<p>If the individual is retired on the grounds of efficiency of the service and is aged 50 with at least 25 years' service in the 1992 Scheme or aged 55 and over in the 2006 Scheme, they will have an automatic entitlement to payment of their pension benefits with no reductions.</p>	
Survivor Pension	<ul style="list-style-type: none"> • 2006 Scheme Reg Part 4, Rule 1 	<p>If the retiree's spouse is convicted of the retiree's manslaughter, HIWFRA may seek to reduce the value of their spouse's pension benefits depending on the circumstances of the case.</p>	
Family Friendly Leave (ext. of time limits to repay contributions).	<ul style="list-style-type: none"> • 1992 Scheme - Reg. G2A (3) • 2006 Scheme Part 11, Rule 4 	<p>The individual can choose to pay contributions for the period of their unpaid family friendly leave.</p> <p>For the period to count towards scheme membership the individual must choose to do this within 30 days of either a) the day on which they return to work, or b) if they do not return to work, the day they cease to be Employed.</p> <p>Exceptionally the 30 day time limit may be extended by the Chief Officer, in consultation with directors.</p>	
Maternity & Adoption Leave - (deduction from death grant)	2006 Scheme, Reg Part 11, Rule 4	<p>2006 scheme only - Deduction of contributions in respect of unpaid additional maternity or adoption leave from the death grant, without giving notice within the election time limit</p>	<p>To be considered on a case-by-case basis</p>
Ill Health Pension	<ul style="list-style-type: none"> • 1992 Scheme Reg K3(1) 	<p>Where a firefighter has wilfully contributed to their condition or knowingly disregards medical advice and contributes to their ill-health, HIWFRA may reduce the level of an ill-health pension to not less than half of the full amount. The Chief Officer, in consultation with</p>	

		directors, will consider each ill health retirement on a case-by-case basis.
Purchase of previous service - outstanding contributions	<ul style="list-style-type: none"> 1992 Scheme Reg Schedule 6 Part 1 	If the individual is re-paying by regular instalments and there are outstanding payments at the time of retirement, this amount will be deducted from the commuted lump sum

Updates

Section	What's been updated and why	Date updated	Who updated

		Impact					
		Negligible	Minor	Moderate	Major	Catastrophic	
		1	2	3	4	5	
Likelihood	Rare	1	1	2	3	4	5
	Unlikely	2	2	4	6	8	10
	Possible	3	3	6	9	12	15
	Likely	4	4	8	12	16	20
	Almost certain	5	5	10	15	20	25

Risk Register for Fire Pensions

Risk number	Date identified	Risk area	Risk description	Likelihood	Impact	Risk score	Control measure / mitigation	Likelihood after mitigation	Impact after mitigation	Risk score after mitigation	Risk owner
1	12/05/2017	Operations	Failure to administer the pension scheme in a proper and effective manner	2	3	6	a) Liaison with employer b) End of Year c) Employer web (UPM access) d) Fire Employer Group & Pensions Admin Group e) Fire Pension Board f) Management oversight and escalation to Rob Carr g) Diversification – we run a Shared Services arrangement h) Ability to call in temporary staff for peak workloads i) Business continuity plan	1	3	3	Scheme Manager
2	12/05/2017	Financial	Failure to pay the right amounts on time and in line with legislation	3	3	9	Pensions Services:- a) Testing software b) Internal and External Audits c) Standardisation of systems and processes d) All processes and calculation have a “doer” and a separate “checker” e) Monthly mortality screening for pensions in payment f) Declaration of Entitlement forms annually to pensioners and beneficiaries living overseas or upon mail being returned g) Participation in National Fraud Initiative reporting	2	3	6	Pension Administrator
3	12/05/2017	Funding	Failure to adequately account for fund pension contributions	2	4	8	a) Strong financial plan for HFRA b) Planned budget c) Aim to complete all Home Office returns on time	1	4	4	Scheme Manager
4	12/05/2017	Regulatory and Compliance	Failure to identify and interpret and implement legislation correctly	3	4	12	a) Scheme Advisory Board b) Local Government Association (LGA) c) Regional Fire Pension Officer Groups d) Fire Pension Board e) Employer Pension Manager as a dedicated resource liaising between - Fire Employer Group & Pensions Admin Group, pulling together - Key Accountabilities for IBC Pensions Admin Team, HR and Hampshire Pension Services	1	4	4	Scheme Manager
5	08/10/2020	McCloud	Failure to adequately resource and successfully implement the McCloud remedy to all affected members within the timescales prescribed	4	4	16	a) Staff recruited specifically for McCloud tasks or to backfill positions so more experienced staff can be released for project b) Communications are developed in a timely manner c) Project is managed effectively with robust plans, reporting and escalation d) Key involvement from the Employer Pension Manager with both the Fire Technical Group and Fire Communications Working Group to ensure all information is received e) Work across departments to be co-ordinated from the Fire Employer Group	2	4	8	Scheme Manager

BEFORE MITIGATION		Impact						
		Negligible	Minor	Moderate	Major	Catastrophic		
		1	2	3	4	5		
Likelihood	Rare	1						
	Unlikely	2			1. Failure to administer the pension scheme in a proper and effective manner	3. Failure to adequately account for fund pension contributions		
	Possible	3			2. Failure to pay the right amounts on time and in line with legislation	4. Failure to identify and interpret and implement legislation correctly		
	Likely	4				5. Failure to adequately resource and successfully implement the McCloud remedy to all affected members within the timescales prescribed		
	Almost certain	5						

AFTER MITIGATION		Impact						
		Negligible	Minor	Moderate	Major	Catastrophic		
		1	2	3	4	5		
Likelihood	Rare	1		1. Failure to administer the pension scheme in a proper and effective manner	3. Failure to adequately account for fund pension contributions	4. Failure to identify and interpret and implement legislation correctly		
	Unlikely	2		2. Failure to pay the right amounts on time and in line with legislation	5. Failure to adequately resource and successfully implement the McCloud remedy to all affected members within the timescales prescribed			
	Possible	3						
	Likely	4						
	Almost certain	5						

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AT A MEETING of the HFRA Standards and Governance Committee held virtually via Microsoft Teams on Wednesday, 24th February, 2021

Chairman:

* Councillor Liz Fairhurst

Vice-Chairman

* Councillor Sharon Mintoff

* Councillor Jonathan Glen

* Councillor Geoffrey Hockley

* Councillor Roger Price

*Present

Also present with the agreement of the Chairman:
Councillor Chris Carter, Chairman of HFRA

132. **APOLOGIES FOR ABSENCE**

All Members were present, and no apologies were noted.

133. **DECLARATIONS OF INTEREST**

Members were mindful of their duty to disclose at the meeting any Disclosable Pecuniary Interest they had in any matter on the agenda for the meeting, where that interest was not already in the Authority's register of interests, and their ability to disclose any other personal interests in any such matter that they might have wished to disclose.

No interests were declared.

134. **MINUTES OF PREVIOUS MEETING**

The minutes of the previous meeting held on the 17 November 2020 were reviewed and agreed.

135. **DEPUTATIONS**

There were no deputations for the meeting.

136. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make, but welcomed Councillor Chris Carter, Chairman of the Hampshire Fire and Rescue Authority, to the meeting.

137. INTERNAL AUDIT PROGRESS REPORT 2020/21

The Committee received a regular report of the Chief Internal Auditor on the Internal Audit Progress Report 2020/21 (Item 6 in the Minute Book).

The report was introduced, and it was heard that good progress had been made, and with the exception of the final piece of follow-up work, all work had been scoped and started. It was expected that all work would be completed in time for the annual audit opinion. Members heard that the number of outstanding and overdue actions continued to reduce, and further detail on these would be presented in a report later on in the agenda.

Members thanked the team for all their hard work, and in response to a Member question it was confirmed that completion of work was subject to officers remaining fit and well, but signs remained positive, and it was fully expected that work would be completed in time for the annual audit opinion.

RESOLVED:

That the progress in delivering the internal audit plan for 2020/21 and the outcomes to date is noted by the Hampshire Fire and Rescue Authority Standards and Governance Committee.

138. INTERNAL AUDIT MANAGEMENT ACTIONS PROGRESS REPORT

The Committee received a report of the Chief Fire Officer on the progress of Internal Audit Management Actions (Item 7 in the Minute Book). The report was introduced, and Members heard that since publication of the report, the outstanding management action in relation to procurement processes and the Sharepoint site had been completed and closed. Attention was drawn to paragraph 7 of the report which highlighted the reduction in outstanding management actions from 15 to 8. It was explained that those outstanding actions in relation to the new Combined Fire Authority (CFA) were on track for completion, and revised dates in relation to these actions were contingent on preparatory work for the new CFA.

In response to a Member question, the significant work in relation to the formation of the new CFA was highlighted and it was heard that in her new role, the newly appointed Deputy Chief Fire Officer would have oversight of outstanding CFA management actions over the next few months.

RESOLVED:

That the Standards and Governance Committee notes that, despite the impact of COVID-19, significant progress continues to be made towards the implementation of the internal audit management actions.

139. ORGANISATIONAL RISK REGISTER UPDATE

The Committee received a report of the Chief Fire Officer providing an update on the Organisational Risk Register (Item 8 in the Minute Book).

The report was introduced, and it was explained that this would be a regular report for the Committee to keep Members sighted on organisational risks. It was heard that with the implementation of the risk management framework within the Service, there were two additional risk areas that had been added to the Risk Register. Members attention was drawn to paragraphs 5 and 6 of the cover report which detailed the two additional risk areas: data quality issues and the McCloud pension remedy. In relation to data quality issues, Members heard that there were a number of different activities taking place across the service to ensure the improvement of data quality, and there had been an increased focus on this across the Service. It was explained that in the future, this risk area could be taken off the Risk Register as the Service works more holistically to address this issue.

In relation to the McCloud pension remedy, Members heard that the Government have chosen the deferred choice as a result of their recent consultation, and further details of the implications of this were explained to Members. It was heard that the low score for this risk area on the Risk Register was due to a team already being in place to deal with the impacts of the remedy.

Officers explained the background to the high risk scores and red arrows on the Risk Register (page 41 of the agenda pack). It was noted that once there was more certainty around high risks such as future financial planning uncertainty, then planning assumptions can be put into action. Members heard that with the absence of a multi-year spending review from Government, the risk score for future financial planning uncertainty had been increased on the Risk Register.

In response to a Member question on the risk area of Covid-19 related wellbeing and safety (page 41 of the agenda pack), it was explained that there should be three horizontal arrows on the chart for this issue and this would be updated. In terms of this as an ongoing risk for the Service, it was heard that there was no significant change, but with the roll-out of the vaccination programme and testing, there had been a reduction in employee sickness and work was continuing with Occupational Health colleagues to ensure all employees who have had Covid were supported.

RESOLVED:

That Hampshire Fire and Rescue Authority Standards and Governance Committee notes the Organisational Risk Register status under the delegated management of the Chief Fire Officer.

140. INDEPENDENT PERSON TO HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY

The Committee received a report of The Clerk on the Independent Person to Hampshire and Isle of Wight Fire and Rescue Authority (Item 9 in the Minute Book). The report was introduced, and Members of the Committee heard that a

recruitment process had been undertaken since the last meeting of the Standards and Governance Committee. Two applications for the position of Independent Person were received, and in light of both candidates considerable experience and for greater resilience, members of the recruitment working group agreed that both candidates should be recommended to the Authority for appointment.

Members also noted the information in the exempt appendix under Item 11 on the agenda when making their decision, and agreed that it was not necessary to go into exempt session to discuss the exempt information.

RESOLVED:

That the Standards and Governance Committee RECOMMEND to the Hampshire and Isle of Wight Fire and Rescue Authority at its AGM in June 2021, the appointment of two Independent Persons, recommended by the working group and as detailed in the Exempt Appendix, for a four-year term with an allowance of £100 per annum each.

141. EXCLUSION OF PRESS AND PUBLIC

It was agreed that it was not necessary to go into exempt session. Please see Minute No 140 above.

142. INDEPENDENT PERSON TO HAMPSHIRE AND ISLE OF WIGHT FIRE AND RESCUE AUTHORITY (EXEMPT APPENDIX)

It was agreed that it was not necessary to go into exempt session. Please see Minute No 140 above.

Chairman,

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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