

Appendix A: Minor Amendments to the Constitution: Extracted amendments to the Constitution



**HAMPSHIRE
FIRE AND
RESCUE
AUTHORITY**

The following document contains extracted amendments to the Hampshire Fire and Rescue Authority Constitution. Extracts are provided in place of the full draft constitution to aid understanding for the reader around changes proposed.

Extract from: Part 3 – Arrangement to Perform Functions, Section 3.1

- To consider and approve the Health and Safety Statement of Intent for signature by the Chief Fire Officer and to receive the annual report

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 the Clerk, 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 Ltd Shareholder Committee.

Extract from: Part 3 – Arrangement to Perform Functions, Section 3.3

3.3 Standards and Governance Committee - Terms of Reference

Standards and Governance Committee shall comprise of 5~~6~~ 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.

Extract To be included in Part 3, Section 3.5 [new page 13 item]

3.5 3SFire Ltd Shareholder Committee – Terms of Reference

The 3SFire Ltd Shareholder 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 the 3SFire Shareholder Committee shall be made each year at the Annual Meeting of the Authority.

The 3SFire Ltd Shareholder Committee's terms of reference are: to exercise all of the shareholder functions of the Authority as the sole shareholder of 3SFire Ltd.

The 3SFire Ltd Shareholder Committee may establish a working group if required and may determine, subject to compliance with required democratic processes, the means through which it exercises the Authority's functions as shareholder of 3SFire Ltd.

Extract from: Part 3 – Arrangement to Perform Functions, Section 3.5 of the current constitution

3.6 Terms of Reference for the Pension Board of the Hampshire Firefighter's Pension Scheme *[at page 13 of the current constitution]*

1. Introduction

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

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

- 2.1. The role of the Board is to:

- Assist HFRA as the administering authority of the Hampshire Firefighter's Pension Scheme (HFFPS):
 - 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 HFFPS 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 Firefighter's Pension Board

- 3.1. The Board shall initially consist of 6 members and be constituted as follows:

3 employer representatives;
3 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 of the HFRA in each year.
- 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 of the HFRA in each year.
- 3.4. If the Chairman is a scheme representative then the Vice Chairman will be an employer representative and vice versa.
- 3.5. The employer representatives will be appointed by the HFRA at its Annual General Meeting.
- 3.6. Scheme member representatives will be appointed by the Authority 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.
- 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 HFRA 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 HFFPS 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 HFRA.
- 3.11. The Chairman and employer representatives will be appointed by the HFRA at the Annual General Meeting and may be replaced at any time during the year by the HFRA.
- 3.12. Any vacancies arising for the scheme member representatives will be recruited in line with the recruitment policy approved by the relevant Committee with

responsibility for Scheme Management and will be formally appointed by HFRA at any time during the year.

- 3.13. 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 HFRA 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 HFRA then the Board may ask the ~~Chief of Staff Director of Professional Services~~ 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 HFRA.
- 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 HFRA 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 HFRA.
- 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 Firefighter's Pension Board', 'Fire Pension Board', 'Pension Board' or 'Board'</i>	Means the Pension Board of Hampshire Fire and Rescue Authority for the Hampshire Firefighter's Pension Scheme as required under the Public Service Pensions Act 2013.
<i>'HFFPS', '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 'HFFPS' 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.

Extract from: Part 3 – Arrangement to Perform Functions, Annex A pages 19 – 21 of the current constitution

Annex A to the Terms of Reference of the Pension Board

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

1. Introduction

This Code of Conduct for the Hampshire Firefighter's Pension Board has been adopted by the HFRA pursuant to its statutory duty to appoint a Pension Board for the HFFPS.

This Code applies to members of the Hampshire 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 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 HFFPS, or the good governance of the HFFPS 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 HFRA (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 HFRA 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 HFRA.
- 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 HFRA.
- d. A member of the Board must at any time provide the Monitoring Officer of the HFRA 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.

Extract from: Part 4 – Rules of Procedure, Section 4.3 [page 64 of the current constitution]

- 2.7 It is the role of the ~~Chief of Staff Director of Professional~~ Services 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 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.

Extract from: Part 4 – Rules of Procedure [page 67 of the current constitution]

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 Director of Professional Services** in consultation with the Clerk and 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.

Extract from: Part 4 – Rules of Procedure [page 70 of the current constitution]

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 Director of Professional Services** and 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.

Extract from: Part 4 – Rules of Procedure [page 71 of the current constitution]

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~~ **Director of Professional Services** and Clerk 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 Regulations.
- 9.3 Where the estimated value of the contract is £100,000 or greater but less than £1 million approval of the Clerk and 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;

Extract from: Part 5 – Appendices, Codes and Protocols, Appendix 1**Appendix 1****Hampshire Fire and Rescue Authority Members' Allowances Scheme 2019/20
2018/19**

This scheme is made by Hampshire Fire and Rescue Authority (HFRA) in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 and is effective from 13 June 2017 as agreed by HFRA at its meeting of 5 December 2017. Updated with effect from 1 April 2019 2018 to reflect the increase in basic and special responsibility allowances indexed according to the national Local Government Pay Award.

1. A Basic Allowance of ~~£6243~~ £6420 per annum shall be paid to each properly appointed Member of HFRA (excluding Deputy Members, where appointed).
2. A special responsibility allowance 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 2019/20 2017/18
Chairman of the Authority	£12,486 £12,240
Vice-Chairman of the Authority	£3,122 £3,060
Standards and Governance Committee Chairman	£1530
Standards and Governance Committee Vice-Chairman	£781 £765
Liberal Democrat Opposition Spokesperson	£3,122 £3,060
Labour Opposition Spokesperson	(£781*) £765

*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 HFRA duties to be claimed by each Member through and in accordance with the Members' Allowances Scheme of their respective appointing Authority.