

# **Tyne and Wear Fire and Rescue Authority**

## **Terms of Reference**



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#### **1. General**

1. The powers, duties and functions of each Committee and Sub-Committee shall be as set out below and, so far as may be legally possible and subject as hereinafter provided each such Committee or Sub-Committee shall be authorised to exercise for and on behalf of the Joint Board of the Authority (“the Authority”) all such powers, functions and duties, provided that:-
  - (a) the Authority may either upon the request of the Committee concerned or otherwise, itself exercise any power so delegated which shall not have already been exercised by such Committee and may at any time extend, withdraw or modify any such delegation;
  - (b) no Committee may exercise any power of levying, or issuing a precept for, a rate, or of borrowing money;
  - (c) no Committee may incur expenditure in the exercise of delegated functions in excess of that from time to time provided in the annual financial estimates of the Authority;
  - (d) any arrangements made by the Authority for the discharge of any functions of the Authority by a Committee or Sub-Committee shall not prevent the Authority exercising that function.

#### **2. Joint Board of the Authority (“the Authority”)**

Notwithstanding the general terms of delegation contained in paragraph 1 above the following matters shall be reserved for decision by the Authority;

1. To formulate the policy and principal objectives of the Authority, and to give advice and directions on any matter to the Committees or Sub-Committees.
2. To adopt, and from time to time review, a Local Code of Corporate Governance for the Authority and approve the Annual Governance Statement.
3. To make, alter and revoke Standing Orders and Financial Regulations.
4. To approve the annual capital and revenue estimates of expenditure of the Authority, or any supplementary estimates.

5. To determine the precept to be made and levied.
  6. To exercise the functions of the Authority as a precepting authority.
  7. To regulate and control the Authority's finance and accounts, borrowing and lending.
  8. To make safe and efficient arrangements for the receipt and payment of monies.
  9. To effect all necessary insurances.
  10. To arrange for the audit of the Authority's accounts.
  11. To settle priorities for capital schemes and generally to allocate the resources of finance, land, accommodation and staff.
  12. To determine all matters concerned with Members' allowances.
  13. Subject to the delegated power granted to the Chief Fire Officer, to acquire land, premises and other legal interests in land or premises by agreement.
  14. Subject to the delegated power granted to the Chief Fire Officer, to dispose of any land, premises and other legal interests in any land or premises owned by the Authority, subject to the Authority's Surplus Asset Policy (Community Benefit) in force at the time of the disposal.
  15. Subject to the delegated power granted to the Clerk and Chief Fire Officer, to institute or prosecute (but not defend) proceedings in the Court of Appeal or the House of Lords, or any Court of the European Economic Community.
  16. To submit, except in cases of urgency, evidence to Royal Commissions, Departmental Committees or similar bodies and the expressions of views on reports to those bodies.
  17. To exercise the functions of the Authority under the:-
    - (a) Fire and Rescue Services Act 2004;
    - (b) The Regulatory Reform (Fire Safety) Order 2005;
    - (c) Health and Safety at Work etc Act 1974 and any provisions that are "relevant statutory provisions" for the purposes of that Act;
    - (d) Fire Safety and Safety of Places of Sports Act 1987.
- Subject to those matters delegated to the Committees or Officers of the Authority.

18. To exercise the functions of the Authority under the Civil Contingencies Act 2004 (and such of the functions of the Tyne and Wear District Councils under the same Act as may be agreed) and the following whilst they continue to be in force:
  - (a) Civil Defence (General Local Authority Functions) Regulations 1993
  - (b) Control of Major Accident Hazard Regulations 1999.
  - (c) Pipelines Safety Regulations 1996.
  - (d) The Radiation (Emergency Preparedness and Public Information) Regulations 2001 (subject to those matters delegated to the Civil Contingencies Committee and officers of the Authority).
  - (e) Public Information for Radiation Emergencies Regulations 1992 (Regulation 3).
19. To ensure liaison with government departments, district councils and other bodies concerned with emergency measures.
20. To receive and deal with issues from the Human Resources Committee relating to consultations with Unions and disputes between representatives of employees and the Chief Fire Officer.
21. To receive the Minutes and Reports of all Committees and Sub-Committees.

### **3. Human Resources Committee**

Subject to those matters delegated to the Chief Fire Officer and Personnel Advisor to the Authority:-

1. To determine and approve the establishment and terms and conditions of all non-uniformed (Green Book) employees of the Authority graded above POL.
2. To be the employing authority for any purpose to which an employee has the right of appeal to the Authority excluding (save in the case of Principal Officers) dismissal.
3. To determine all referrals of disagreements relating to firefighter pensions made under regulation 6 of The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996 (IDRP Stage 2 applications).
4. To determine discretionary provisions in respect of the various Schemes of Conditions of Service of the National Joint Councils which apply to the employees of such authority, excluding (save in the case of Principal Officers) dismissal.

5. In appropriate circumstances to grant special leave of absence with or without pay for periods in excess of one week.
6. To consult with Trades Unions and to deal with disputes arising between representatives or employees and the Chief Fire Officer, and to report on all such matters to the Authority.
7. To carry out and determine disciplinary hearings involving Principal Officers.
8. To determine appeals by staff subject to the National Joint Council for Local Government Services conditions against the decision of the Chief Fire Officer in relation to the extension of full sick pay.
9. The application of the Authority's policy on Equal Opportunities.
10. To monitor and secure statutory responsibilities of the Authority in relation to the training and development of staff through the application of the Fire and Rescue Services Act 2004, National Workforce Development Strategy and Learning and Development Strategy.

#### **4. Appointments Committee**

1. Where appropriate, to shortlist candidates for the posts of Chief Executive/Chief Fire Officer (Clerk to the Authority) and Assistant Chief Fire Officers
2. To interview candidates for and make appointments to the posts of Chief Executive/Chief Fire Officer (Clerk to the Authority) and Assistant Chief Fire Officers.

#### **5. Disciplinary Appeals Committee**

1. To determine appeals by employees of the Authority (other than Principal Officers) against dismissal.

#### **6. Personnel Appeals Committee**

1. To hear and determine those appeals occurring where an employee has the right of appeal and the decision leading to the appeal was taken by the Human Resources Committee, including appeals by Principal Officers against decisions of the Human Resources Committee in disciplinary proceedings.
2. To submit the Minutes and Reports of its Meetings to the Authority.

#### **7. Emergency Committee**

1. Subject to standing orders to deal with any matter of urgency which may arise between meetings of the Authority or Committee provided that a report of the matters so authorised shall be included for

information in the agenda of the next following ordinary meeting of the Authority or Committee, as appropriate.

## **8. Governance Committee**

1. The purpose of the Governance Committee will be:
  - a) to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment and to oversee the financial reporting process, and
  - b) to promote and maintain high standards of conduct by members of the Authority.
2. The core functions of the Governance Committee shall be as follows:

### **Audit**

The Governance Committee will carry out the following delegated functions from the Authority:

- (a) approve the annual statements of Accounts, income and expenditure, and balance sheet or record of receipts and payments (as the case may be).

In relation to the following functions, the Governance Committee will undertake the assurance and advisory role to;

- (b) consider the effectiveness of the Authority's corporate governance arrangement, risk management arrangements, the control environment and associated anti-fraud and corruption arrangements;
- (c) seek assurances that action is being taken on risk related issues identified by auditors and inspectors;
- (d) be satisfied that the Authority's assurance statements, including the Annual Statement of Assurance, properly reflect the risk environment and any actions required to improve it;
- (e) consider and endorse the Internal Audit Strategy and Operational Plan, and monitor performance;
- (f) review the Annual Internal Audit Report and the main issues arising, and seek assurance that action has been taken where necessary;

- (g) consider the reports of external audit and inspection agencies;
- (h) ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted;
- (i) consider the External Auditor's opinion and reports to Members alongside consideration by the Authority and monitor management action in response to the issues raised by External Audit;
- (j) to Scrutinise the Authority's treasury management policy statement;
- (k) to Scrutinise the Authority's treasury management strategy, including the annual borrowing and investment strategy;

and make recommendations or comments thereon to the Authority.

### **Standards**

The Governance Committee will:

- (a) promote and maintain high standards of conduct by the Members of the Authority;
- (b) assist the Members of the Authority to observe the Members' Code of Conduct;
- (c) advise the Authority on the adoption or revision of the Members' Code of Conduct;
- (d) monitor the operation of the Members' Code of Conduct;
- (e) advise, train or arrange to train Members of the Authority on matters relating to the Members' Code of Conduct;
- (f) grant dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct so far as not delegated to the Monitoring Officer;
- (g) deal with written allegations that a Member of the Authority (or former Member) has failed, or may have failed, to comply with the Members' Code of Conduct;;
- (h) adopt and amend procedures to be followed for investigations and local determination of complaints;;
- (i) consider reports of the Monitoring Officer and of the Local Government Ombudsman where they concern the conduct of Members of the Authority;



- (j) support the Authority's Monitoring Officer in his/her role;
- (k) report on the above matters to the Authority

Panels may be convened from within the membership of the Governance Committee in order to deal with any aspect of a complaint that a Member has breached the Members' Code of Conduct. Such Panels shall be convened by the Clerk to the Authority and shall be comprised of 3 voting members. In addition, one of the Independent co-opted members may be invited to participate in a meeting of such Panels.

## **9. Policy and Performance Committee**

The purpose of the Policy and Performance Committee will be to:

Scrutinise performance information and reports in respect of its duty to secure best value and to consider policy initiatives in respect of emerging issues, and in particular to:

- scrutinise quarterly performance management reports with specific reference to key PI's
- consider and make recommendations on the potential for future changes in service provision based upon relevant performance information, risk analysis and changes in economic, social or environmental conditions
- consider and make recommendations where appropriate on proposed changes in specific policy areas following reviews or the introduction of new statutory requirements
- consider and make recommendations on the Authority's register of corporate risks
- review and recommend Service, Division and Local Authority Targets to the Authority
- monitor the implementation and development of the Authority's Performance Management Framework
- communicate the performance of the Authority to other Members and external partners where appropriate
- review specific matters in relation to Authority and policy and strategies referred to it by the full Authority
- scrutinise reports on Management Reviews and make recommendations thereon to the Authority
- monitor the implementation of Action Plans arising from Management Service Reviews

## 11. Pension Board

### A. Statement of purpose

1. The purpose of the Pension Board (the Board) is to assist Tyne and Wear Fire Authority (the Authority) in its role as a scheme manager of the Fire Fighters Pension Scheme. The assistance is to:
  - Secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and';
  - Ensure the effective and efficient governance and administration of the Scheme.
2. The Board is providing an oversight of these matters and, accordingly, the Board is not a decision making body in relation to the management of the Scheme but merely makes recommendations to assist in such management.
3. The Board is not a subcommittee of the Authority.

### B. Duties of the Board

4. The Board should at all times act in a reasonable manner in the conduct of its purpose. The Board members should:
  - Always act in the interests of the scheme and not seek to promote the interests of any stakeholder group above another.
  - Be subject to and abide by the Authority's code of conduct for members.

### C. Local Pension Board membership

5. Membership of the Authority's Local Pension Board will be:
  - Three employee representatives (referred to 'member' representatives)
  - Three employer representatives (referred to 'employer' representatives)

#### Member representatives

6. Three member representatives shall be appointed to the Board.

7. The member representatives shall be members, or retired members, of the Firefighters Pension Scheme administered by the Authority.
8. Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
9. Member representatives shall be appointed by the Authority in a manner which it considers best promotes the purpose of the Board. Member representatives will be nominated by the relevant representative body or organised employee group.

Employer representatives

10. Three employer representatives shall be appointed to the Board, these will be made up of:
  - Two Principal Officer or appropriate Grey Book Manager
  - One Member of the Authority
11. The following may not act as Employer representatives. Individuals with the responsibility or delegated responsibility for:
  - Discharging the Authority's pensions function, or
  - Advising the Authority in issues relating to pension scheme manager functions, or;
  - Playing an active role in assisting the Authority in relation to pension scheme manager functions.
12. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
13. Employer representatives shall be appointed by the Authority in a manner which it considers best promotes the purpose of the Board.

Other members

14. The Board will not exceed six members.
15. The Board may invite individuals on a one off basis, for knowledge or expertise.
16. The Board may only invite individuals once express approval of the Authority has been gained.
17. On requesting permission for individuals to be invited to the board on a one off basis, the Board must state reasons why.

18. Individuals invited on a one office basis do not have any voting rights.

D. Appointment of Chair

19. On commencement of the Board, the Authority shall appoint a Chair.
20. The Chair will rotate each calendar year and alternate between an employer and employee representative on each rotation.
21. The Board will appoint the Chair each calendar year by majority vote.
22. Where the Board are unable to come to a majority, the Authority shall appoint the Chair.
23. The Board should also decide on method of election of the Chair that is in the best interest of the Board.

E. Voting

24. Each member carries equal voting rights.
25. The Chair shall determine when consensus has been reached.
26. Where consensus is not achieved this should be recorded by the Chair.

F. Reporting

27. The Board must provide minutes of each meeting to the HR Committee to the Authority.
28. The Board must provide reports and recommendations to the HR Committee to the Authority insofar as they relate to the role of the Board.
29. The Board will produce an annual report highlighting areas of concern and identifying good practice to the HR Committee to the Authority
30. Minutes and reports or recommendations must be provided within the agreed submission dates.
31. In support of its core functions, the Board may make a request for information to the Authority with regard to any aspect of the scheme manager function. Any such a request should be reasonably complied with in both scope and timing.

G. Recommendations

32. In support of its core functions the Board may make recommendations to the Authority which should be considered and a response made to the Board on the outcome within a reasonable period of time.

33. In the exceptional circumstances that the Board considers that a matter brought to the attention of the Authority has not been acted upon or resolved to their satisfaction, the Board will provide a report to the Monitoring Officer and Head of Audit who will provide a separate view on the matter, taking expert advice as considered appropriate.

H. Notification of appointments

34. On appointment to the Board, the Authority shall publish on the Authority's internet site the name of the appointees, the process followed in the appointment, together with the way in which the appointments support the effective delivery of the purpose of the Board.

I. Expenses and Allowances

35. Any expenses incurred for travel and/or subsistence will be paid in accordance with the Authority guidelines.
36. Employer representatives shall not be paid an allowance.
37. Employee representatives, whose employed role is not of full time Trades Union Representative, who attends the Board outside of working time, shall receive time off in lieu.
38. Gifts and hospitality should only be accepted with the permission of the Authority - any gifts accepted should be reported on in the Board's annual report and recorded in the Authority's register of gifts and hospitality.

J. Confidentiality and Conflicts of interest

39. All members of the Board must declare to the Authority on appointment and at any time their circumstances change of any potential conflict of interest that has arisen as a result of their position on the Board.
40. All members of the Board must declare to the Authority at the first meeting of each calendar year of any potential conflict of interests that has arisen as a result of their position on the Board.
41. On appointments to the Board and following any subsequent declaration of potential conflict, the Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Authority and the requirements of the Pensions Regulators codes of practice on conflict of interest for Board members.
42. Members of the Board should maintain confidentiality in relation to their role on the Board

K. Knowledge and understanding (including Training)

43. Under the requirements of the Public Service Pensions Act, a member of the Pension Board must be conversant with:

- the legislation and associated guidance of the Firefighter Pension Scheme 2015 (FPS 2015), and
  - any document recording policy about the administration of the FPS 2015 which is adopted by the Authority.
44. In addition, a member of the Board must have knowledge and understanding of:
- The law relating to pensions, and
  - Any other matters which are prescribed in the regulations.
45. In line with this requirement Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date.
46. In line with the Board's policy and framework LPB members are therefore required to:
- Participate in training events
  - Undertake a personal training needs analysis or other method to identify gaps in skills, competencies and knowledge.
47. A written record of relevant training and development will be maintained
48. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
49. It is for individual Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Board.

L. Term of office

50. The term of office should normally be three years subject to the conditions set out in section 52 below. Representatives will need to be re-elected to serve on the Board beyond the agreed term. Election and re-election are matters for the Authority. Member representatives will be nominated by the relevant representative body.
51. Board membership may be terminated prior to the end of the term of office due to:
- a) A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme;

- b) A member representative no longer being a member of the body on which their appointment relied;
- c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;
- d) The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training;
- e) The representative acting in a manner which is not in line with the Authority's Codes of Conduct which shall apply as if representatives were co-opted members of the Authority;
- f) An employer representative is promoted to a position which falls within point 11 of these Terms.

M. Meetings

- 52. The Board will normally meet at the Authority's Service Headquarters.
- 53. The Board should notify the Authority in instances where the Board has not met at Service Headquarters providing reasons why.
- 54. Meetings will be within the times 9am and 5pm Monday to Friday on a normal working day.
- 55. The Board will meet a minimum of twice in each calendar year at dates times set and agreed by the Board annually.
- 56. Summons to meetings will be at least five clear days before the date of a relevant meeting, specifying the business expected to be transacted at that meeting. Any papers and documents will be circulated with that summons.
- 57. The chair of the Board with the consent of the Board membership may call additional meetings.
- 58. The Board should notify the Authority in instances where the Board has met, or plans to meet, for additional meetings and provide reasons why.
- 59. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

N. Quorum

- 60. A meeting is only quorate when at least 66% of both member and employer representatives are present plus the chair or nominated deputy chair.

61. In the above instance, the voting right of the absent member(s) shall pass to the attending relevant member. For example, if an employer representative is absent the attending employer representative shall carry 2 votes.

O. Terms

62. In these terms 'the Scheme' means the Firefighters' Pension Scheme 2015.
63. In these terms Regulations means the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended and the Firefighters' Pension Scheme Regulations 2014 as amended.
64. In these terms 'regulations' include the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended, the Firefighters' Pension Scheme Regulations 2014 as amended, , the Pension Regulators Codes of Practice as they apply to the scheme manager and pension board and any other relevant legislation applying to the Scheme.

**12. Functions of the Monitoring Officer**

1. To maintain standing orders

The Monitoring Officer will maintain an up-to-date version of Standing Orders and will ensure that it is widely available for consultation by members, staff and the public.

2. To ensure lawfulness and fairness of decision making.

After consulting with the Chief Fire Officer and the Finance Officer, the Monitoring Officer will report to the Authority if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

3. To support the Governance Committee in relation to its Standards Functions.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance Committee.

The Monitoring Officer will undertake the role of Proper Officer to receive complaints of failure to comply with the Code of Conduct and will exercise those functions delegated to him or her in respect of the operation of the Standards regime, including the grant of dispensations on the ground that so many members of the decision making body



have Disclosable Pecuniary Interests in a matter that it would impede the transaction of the business.

4. To conduct investigations

The Monitoring Officer will conduct investigations into matters and make reports or recommendations in respect of them to the Governance Committee.

### **13. Functions of the Finance Officer**

1. To ensure lawfulness and financial prudence of decision making

After consulting with the Chief Fire Officer and the Monitoring Officer, the Finance Officer will report to the Authority and the Authority's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency of if the Council is about to enter an item of account unlawfully.

2. To administer financial affairs

The Finance Officer will have responsibility for the proper administration of the financial affairs of the Authority

3. To contribute to corporate management

The Finance Officer will contribute to the corporate management of the Authority, in particular through the provision of professional financial advice.

4. To provide advice

The Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and issues to all members and will support and advise members and officers in their respective roles.

5. To give financial information

The Finance Officer will provide financial information to the media, members of the public and the community.

### **14. Roles and Responsibilities of Designated Office Holders**

#### **Chair of the Authority**

1. To provide overall political leadership to the Authority.
2. To chair meetings of the Authority and the Authority's Policy Advisory Committee and to ensure their overall effectiveness.

3. To provide effective leadership in the development of the Authority's policy, strategy and budget proposals.
4. To lead on the implementation of effective service delivery and the Authority's approved policies and strategies.
5. To act as the Authority's principal member spokesperson at local, regional and national level.
6. To seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the effective discharge of the Authority's functions.
7. To lead in the development of good working relationships between the leaders of political groups represented on the Authority.

#### **Vice Chair of the Authority**

1. To support the Chair of the Authority in discharging the rules associated with the office of Chair of the Authority.
2. To deputise for the Chair of the Authority in his or her absence.
3. To chair the Authority's Policy and Performance Committee.

#### **Minority Party Group Leaders**

1. To ensure that their party contributes effectively, positively and constructively to the Authority's activities.
2. To act as the principal political spokesperson for their political group.
3. To provide leadership to their party group.

#### **Chairs of Committees**

All Committee Chairs:

1. To chair the Committee and ensure its overall effectiveness.
2. To have a working knowledge of the Authority's relevant policies and strategies and to ensure that he or she is sufficiently and effectively briefed by officers on matters coming before the Committee.
3. To co-ordinate and manage the work of the Committee.
4. To support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

#### **All Committee Vice Chairs:**

1. To support the Committee Chair in discharging the roles of the Chair.

2. To deputise for the Committee Chair during any absence of the Chair.