

**SECTION C 1**

**EAST SUSSEX FIRE AUTHORITY AND ITS PANELS**

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## **Introduction**

East Sussex Fire Authority was established by the East Sussex Fire Services (Combination Scheme) Order 1996.

The functions of the Fire Authority are set out in the Fire & Rescue Services Act 2004, which defines the core functions of making provision for fire safety, fire-fighting and rescues from road traffic accidents. The Fire Authority may also provide services that appear to the Authority to be appropriate, both within and outside the Authority's area.

The Regulatory Reform (Fire Safety) Order 2005 sets out further powers of the Fire Authority in relation to inspection of premises and Alterations, Enforcement and Prohibition Notices.

The Fire Authority is also a category 1 responder under the provisions of the Civil Contingencies Act 2004 and has a duty to respond to emergencies as well as assess, plan and advise.

Extracts from the relevant legislation are available on-line.

## **EAST SUSSEX FIRE AUTHORITY**

The Fire Authority comprises 18 Members (12 from East Sussex County Council and 6 from Brighton & Hove City Council).

*(Quorum 6: provided that there shall be at least one representative from each constituent authority)*

Whilst the Fire Authority has agreed a Scheme of Delegations to its Panels and Officers, there are some functions that may only be discharged by the Fire Authority.

Only the Fire Authority will exercise the following functions:

Approving:

- variations to Standing Orders, including Contract Standing Orders, and financial regulations
- the revenue budget and capital programme, levying or issuing a precept, and borrowing money
- the terms of reference and composition of Panels
- substantial changes to the Constitution
- a Scheme of Delegation to Officers
- a Code of Conduct for Members
- a Members Allowances Scheme
- a Pay Policy Statement
- major policy issues, including approving the Integrated Risk Management Plan
- the Authority's strategic objectives and priorities

Appointing the Chairperson of the Authority

Any matters by law that must be approved by the Authority

## **TERMS OF REFERENCE OF FIRE AUTHORITY PANELS**

The Fire Authority has established the following Panels:

- Urgency Panel
- Policy and Resources Panel
- Scrutiny and Audit Panel
- Standards Hearing Panel
- Human Resources Panel
- Principal Officer Appointments Panel

Panels may establish Working Groups to deal with specific tasks as required from time to time.

Details of the number of Members and quorum of each Panel are given immediately after each Panel heading below. Members are appointed from the political groups on the Fire Authority in accordance with the requirements for political balance up to the number fixed for the Panel concerned (with the exception of the Standards Hearing Panel and the Principal Officer Appointments Panel.) If no specific appointments are made by the Fire Authority, Panel Members, (and substitutes in the event of non-availability of Panel Members), are nominated by the Monitoring Officer after consultation with the spokespersons for the relevant political groups.

These terms of reference form part of the authority's constitution and may be amended in accordance with the constitution. Where the changes are required as a result of legislative changes, the Chief Fire Officer in consultation with the Monitoring Officer, may make consequential amendments.

## **URGENCY PANEL**

**(Number of Members 6: Quorum 3 voting Members)**

The Terms of Reference for the Urgency Panel are as follows:

1. To make decisions on any matters within the functions of the Fire Authority which the Urgency Panel considers to be urgent. (Excluding those powers delegated to the Standards Hearing Panel under Section 28 (11) of the Localism Act 2011).
2. To determine if requests for assistance from Members of the Fire Authority, Principal Officers, the Monitoring Officer or the Treasurer fall within the general indemnity provided for Officers and Members of the Authority.
3. To determine any applications by Principal Officers under the indemnity arrangements as advised by the Treasurer and Monitoring Officer.

## **POLICY AND RESOURCES PANEL**

### **(Number of Members 6: Quorum 3 voting Members)**

The Terms of Reference for the Policy and Resources Panel are as follows:

4. To advise the Authority on Policy and Resources issues as appropriate.
5. To provide overall political leadership to the service and to drive the formulation, planning and subsequent implementation of Fire Authority Plans and Strategies.
6. To advise the Fire Authority on the strategic risk based planning agenda in line with the need to secure continuous service improvement and community risk reduction across East Sussex and the City of the Brighton & Hove and within the context of:
  - (i) guidance issued under the Fire & Rescue Services Act 2004 and its related National Framework; and
  - (ii) other legislation such as the Civil Contingencies Act 2004
7. Annually, to present options to the Fire Authority, for service improvement and community risk reduction, including associated financial implications, having regard to matters such as:
  - (i) predicted risks of changes to available resources over the medium term;
  - (ii) key long term service improvement priorities of the Authority as determined and set out in the Authority's Strategic Plan and Annual Performance Plan;
  - (iii) effective partnership working; and
8. To instruct officers to implement efficiency measures agreed by the Panel which do not involve a change of policy or level of service and to report the Panel's decision to the next meeting of the Authority.
9. To monitor the Members' Allowance Scheme and other CFAs' schemes on an annual basis between formal review periods to ensure that it remains equitable and fair.
10. To discharge any of the functions of the Fire Authority except:
  - a) those functions which only the Fire Authority has power to exercise;



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- b) those functions delegated to any other Panel, excluding the Urgency Panel; in relation to proposals which are advised by the Chief Fire Officer & Chief Executive, or the Treasurer, or the Monitoring Officer to be of significant budgetary or strategic importance; or
- c) in any case where the Chairman or a majority of the Panel wishes the decision to be taken by the Fire Authority.

## **SCRUTINY AND AUDIT PANEL**

**(Number of Members 6: Quorum 3 voting Members)**

The terms of reference for the Scrutiny & Audit Panel are as follows:

11. The Scrutiny & Audit Panel is a key component of East Sussex Fire Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
12. The purpose of the Scrutiny & Audit Panel is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides an independent review of East Sussex Fire Authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### **Governance, risk and control**

13. To review the Authority's corporate governance arrangements against the good practice standards.
14. To review the Authority's assurance statements, including the Annual Governance Statement, prior to approval and to consider whether they properly reflect the risk environment and supporting assurances.
15. To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
16. To monitor the effective development and operation of risk management in the Authority.
17. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
18. To review the effectiveness of management arrangements to ensure probity and legal / regulatory compliance and the Authority's exposure to the risk of fraud and corruption including, but not limited to, procurement standing orders, financial regulations, codes of conduct, the counter-fraud strategy, whistleblowing and complaints processes.

19. To receive reports from the Pension Board.

#### **Internal audit**

20. To oversee the internal audit service on behalf of the Authority, including but not limited to:
- a) approving the internal audit charter;
  - b) reviewing proposals made in relation to the appointment of external providers of internal audit services;
  - c) approving the risk-based internal audit plan;
  - d) approving the Head of Internal Audit's annual report and considering their opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control;
  - e) considering any specific internal audit reports deemed necessary;
  - f) considering the effectiveness of the internal audit service including its performance and compliance with the Public Sector Internal Audit Standards (PSIAS);
  - g) considering the action taken by the Authority in responding to and implementing internal audit recommendations.

#### **External audit**

21. To oversee external audit activity on behalf of the Authority including, but not limited to:
- a) considering the external auditor's annual letter, relevant reports, and the report to those charged with governance;
  - b) considering specific reports as agreed with the external auditor;
  - c) commenting on the scope and depth of external audit work and to ensure it gives value for money.
22. To commission work from internal and external audit.
23. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

#### **Financial reporting**

24. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

25. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Scrutiny and Performance Review**

26. To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Authority's functions.
27. To review and scrutinise the performance of the Authority in relation to its aims and objectives and its performance targets.

### **Standards**

28. To discharge the following functions:
- a) Promoting and maintaining high standards of conduct by the Members and co-opted Members of the Authority as required by section 27 (1) of the Localism Act 2011.
  - b) Assisting Members and co-opted Members of the Authority to observe the Authority's Code of Conduct.
  - c) Advising the Authority on the adoption or revision of a Code of Conduct.
  - d) Monitoring the operation of the Authority's Code of Conduct.
  - e) Promoting and maintaining high standards of conduct by employees of the Authority.
  - f) Developing and adopting procedures for the assessment, investigation and determination of Code of Conduct complaints.
  - g) Advising the Authority on the adoption or revision of any codes/guidance (1) regulating working relationships between the Members and co-opted Members of the Authority and the employees of the Authority, (2) governing the conduct of employees of the Authority or (3) for preventing fraud or corruption, including any "whistle blowing" codes.
  - h) Monitoring the operation of any such codes/guidance.
  - i) Training or arranging training in connection with any of the foregoing.
  - j) Supporting the Monitoring Officer and the Treasurer in their statutory monitoring roles and in the issue of any guidance by them.
  - k) Receiving reports from the Monitoring Officer on any matter relating to ethical standards and deciding action as appropriate.

29. As authorised by section 33 of the Localism Act 2011:

To exercise the power to grant dispensations to Members and co-opted Members of the Authority whose participation in any business would otherwise be prohibited by section 31(4) of the Localism Act 2011.



30. As required by Section 28 (11) of the Localism Act 2011:

Where a Member or Co-opted Member has failed to comply with the Code of Conduct, to determine whether to take action in relation to that member.

[Note – usually this function will be discharged by a Standards Hearing Panel following a hearing].



## **STANDARDS HEARING PANEL**

**(Sections 15 and 16 of the Local Government and Housing Act 1989 shall not apply in respect of this Panel). ,**

**Number of members: Any 3 members of the Scrutiny and Audit Panel: Quorum 3)**

The Terms of Reference for the Standards Hearing Panel are as follows:

To conduct determination hearings in relation to allegations of breaches of the Code of Conduct for Members referred by the Monitoring Officer and, where it has found that a Member has breached the Code, in accordance with section 28 (11) of the Localism Act 2011 to determine whether to take action in relation to that Member and, if so, what action to take.

## **PENSION BOARD**

**Number of members: 4 Elected Members (Employer) 4 Scheme Members (Employee): Quorum 3 to include at least 1 Employer and 1 Employee representative)**

The full title of the Board is the Firefighters' Pension Scheme Local Pension Board of East Sussex Fire Authority however it is referred to in practice as the Pension Board. It has been established by East Sussex Fire Authority as the Scheme Manager under the provisions of the Public Sector Pensions Act 2013 and the Firefighter's Pension Scheme (Amendment)(Governance) Regulations 2015.

1. The purpose of the Pension Board is to assist East Sussex Fire Authority in its role as a scheme manager of the Firefighters' Pension Scheme. Such assistance is to:
  - a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and';
  - b) ensure the effective and efficient governance and administration of the Scheme.

### **Duties**

2. The Pension Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members:
  - a) should act always in the interests of the scheme and not seek to promote the interests of any stakeholder group above another.
  - b) should be subject to and abide by the East Sussex Fire Authority code of conduct for members.

### **Membership**

3. The Pension Board will comprise an equal number of employer and member representatives with a minimum requirement of no less than four in total. The current membership is made up of four employer representatives who are elected members of and appointed by East Sussex Fire Authority and four scheme member representatives.
4. Substitute members will not be permitted.

5. Each Pension Board member shall endeavour to attend all Board meetings during the year.

**Employee - Member representatives**

6. Four member representatives shall be appointed to the Pension Board.
7. Member representatives shall either be members of the scheme administered by East Sussex Fire Authority or have experience of representing pension scheme members in a similar capacity.
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.

**Employer - Elected representatives**

9. Four employer representatives shall be appointed to the Pension Board.
10. Employer representatives shall be elected members of and appointed by East Sussex Fire Authority.
11. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
12. Employer representatives shall be appointed by East Sussex Fire Authority in a manner which it considers best promotes the purpose of the Board.

**Appointment of Chairperson**

13. East Sussex Fire Authority shall appoint a chairperson.
14. The duties of the chairperson should be in accordance with the duties of a chairperson within East Sussex Fire Authority.

**Notification of appointments**

15. On appointment to the Pension Board, East Sussex Fire Authority shall publish the name of the appointees, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

### **Conflicts of interest**

16. All members of the Pension Board must declare to East Sussex Fire Authority on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.
17. On appointments to the Pension Board and following any subsequent declaration of potential East Sussex Fire Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of East Sussex Fire Authority and the requirements of the Pensions Regulator's codes of practice on conflict of interest for Board members.

### **Knowledge and Understanding (including Training)**

18. Knowledge and understanding must be considered in light of the role of the Pension Board to assist East Sussex Fire Authority in line with the requirements outlined above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
19. Pension Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's Training policy.
20. Pension Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

### **Term of Office**

21. Term of Office shall be longer than 12 months where possible to allow sufficient development of knowledge and understanding.
22. Pension 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.

### **Meetings**

- 23. The Pension Board shall meet quarterly but no fewer than three times during any annual cycle.
- 24. The chairperson of the Pension Board with the consent of the Board membership 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 conferencing and e-mails.

### **Voting**

- 25. The chairperson shall determine when consensus has been reached.
- 26. Where consensus is not achieved this should be recorded by the chairperson.
- 27. In support of its core functions the Board may make a request for information to the Chief Fire Officer & Chief Executive or any other officer with delegated responsibility for the scheme manager function with regard to any aspect of that function. Any such a request should be reasonably complied with in both scope and timing.
- 28. In support of its core functions the Board may make recommendations to the Chief Fire Officer & Chief Executive or any other officer with delegated responsibility for the scheme manager function which should be considered and a response made to the Board on the outcome within a reasonable period of time.

### **Reporting**

- 29. The Pension Board shall report its activities periodically, but at least once each year to the Scrutiny & Audit Panel.
- 30. Pension Board members are required to report breaches of the law to the regulator where they believe there is a legal duty that has not or is not



being complied with or the failure to comply will be of material significance to the Pensions Regulator in the exercise of its functions. Any breach brought to the attention of the Pension Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in the Breaches of Law Policy and Guidance.

### **Interpretation**

31. In these terms 'the Scheme' means the Firefighters' Pension Scheme.
32. Regulations referred to within these Terms of Reference 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.

## **HUMAN RESOURCES PANEL**

**(Number of Members 6: Quorum 3 voting Members)**

The Terms of Reference of the Human Resources Panel are as follows:

1. To hear and determine:
  - a) appeals in relation to dismissal action taken against any officer contracted to the National Joint Council Conditions of Service (Grey Book) or any employee contracted to the National Joint Council for Local Government Services (Green Book)
  - b) any other matter referred to the Panel under the disciplinary procedures of the Fire Authority.
2. To hear and determine collective disputes in accordance with:
  - a) The NJC for Local Authority Fire & Rescue Services Scheme of Conditions of Service (Grey Book).
  - b) The NJC Scheme of Conditions of Service for Local Government Services (Green Book).
3. To hear and determine appeals against the outcome of grievance hearings if the grievance was already heard by the Chief Fire Officer and Chief Executive Officer. The appeal will be heard by the Fire Authority Human Resources Panel comprising at least 3 elected members and advised by the Monitoring Officer.
4. To hear and determine any matters which are required to be dealt with by Members of the Authority under the Firefighters' Pension Scheme, the Local Government Pension Scheme and any predecessors to these schemes or any procedures adopted by the Authority in relation to pensions.
5. To decide appeals on the reduction of sick pay for operational and control staff contracted to the National Joint Council Conditions of Service (Grey Book) and the National Joint Council for Brigade Managers of the Fire and Rescue Services (Gold Book) in the event of a member of staff being dissatisfied with the outcome of the appeal to the Chief Fire Officer & Chief Executive.

## **PRINCIPAL OFFICER APPOINTMENTS PANEL**

**Sections 15 and 16 of the Local Government and Housing Act 1989 shall not apply in respect of this Panel, which shall comprise the Chairperson of the Authority and the Leader of each political group (excluding the political group of which the chairperson is a member), and one additional seat allocated to the Conservative Group.**

**The Act requires the Authority to agree this without any member of the Authority voting against.**

### **Quorum: 3 voting Members**

1. To determine the appointment procedures for the post of Chief Fire Officer & Chief Executive.
2. To carry out the shortlisting of candidates for the post of Chief Fire Officer & Chief Executive.
3. To conduct final interviews and make appointments to the posts of Chief Fire Officer & Chief Executive, Deputy Chief Fire Officer and Treasurer. In conducting final interviews, the Panel will be assisted by an independent specialist adviser. In the case of appointments to the posts of Deputy Chief Fire Officer and Treasurer, the specialist advisor will be the Chief Fire Officer and Chief Executive.
4. To consider and approve terms and conditions of service, including remuneration, for Principal Officers and the Treasurer to the Authority.
5. To hear and determine appeals from the Human Resources Panel acting as the Disciplinary Panel for staff contracted to the National Joint Council for Brigade Managers of the Fire and Rescue Services (Gold Book) and additionally the post of Treasurer.