

# **PUBLIC SERVICE PENSIONS ACT 2013**

## **CONSTITUTION OF THE HERTFORDSHIRE FIRE PENSION BOARD**

### **1. NAME**

- 1.1 The name of the Board is the Hertfordshire Fire Pension Board and is established by Hertfordshire County Council in accordance with Section 5 of the Public Service Pensions Act 2013.

### **2 TERMINOLOGY**

In this Constitution the following expressions have the meanings given below:

- “the Act”** means the Public Service Pensions Act 2013;
- “the Board”** means the Hertfordshire Fire Pension Board established under Section 5 of the Act;
- “HCC”** means Hertfordshire County Council;
- “HFRA”** means Hertfordshire County Council in its capacity as the Hertfordshire Fire and Rescue Authority and as the employer of persons who are members of the FFPS;
- “the Scheme Manager”** means HCC in its capacity as the scheme manager under Regulation 4 of the Regulations for the FFPS in Hertfordshire and includes the Scheme Manager’s Pensions Committee in so far as the Scheme Manager’s functions under the Regulations are delegated to that Committee;;
- “FFPS”** means:
- (1) the Firefighters’ Pension Scheme 2015

established by the Regulations and ;

(2) the Firefighters' Pension Scheme 1992 (as set out in

Schedule 2 to the Firemen's Pension Scheme Order 1992) and the New Firefighters' Pension Scheme (England) (as set out in Schedule 1 to the Firefighters' Pension Scheme (England) Order 2006) in relation to those persons who may continue to be members of those Schemes under the transitional provisions set out in Schedule 2 to the Regulations;

**"Member"** means a member of the FFPS and includes an active member, a deferred member and a pensioner member as defined in the Regulations;

**"Employer representative"** means a member of the Board who has been appointed for the purpose of representing HFRA;

**"Member representative"** means a member of the Board who has been appointed for the purpose of representing members of the FFPS;

**"the Regulations"** means the Firefighters' Pension Scheme (England) Regulations 2014 as amended.

### **3. ROLE AND FUNCTIONS OF THE BOARD**

3.1 In accordance with Sections 5(1) and (2) of the Act and the Regulations the role of the Board is:

(1) To assist the Scheme Manager:

(a) to secure compliance with the Regulations and any other legislation relating to the governance and administration of the FFPS;

- (b) to secure compliance with any requirements imposed in relation to the FFPS by the Pensions Regulator;
  - (c) to ensure the effective and efficient governance and administration of the FFPS;
  - (d) in all aspects of governance and administration of the FFPS, and the doing of any work requested by the Scheme Manager, but not to replace or duplicate the role of the Scheme Manager or to make decisions which are the responsibility of the Scheme Manager.
- (2) To do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions as set out above.
- 3.2 The Board will have the ability to review actions and decisions made by the Scheme Manager, it does not however have a decision making role.

#### **4. MEMBERSHIP AND TERMS OF OFFICE**

- 4.1 The Board will be made up of:
- 2 employer representatives;
  - 2 Member representatives;
- 4.2 An employer representative must have the capacity to represent HFRA.
- 4.3 A Member representative must have the capacity to represent members of the pension scheme.
- 4.4 No officer or elected member of an administering authority who is responsible for the discharge of any function under the Regulations (apart from any function relating to local pension boards or the Firefighters' Pension Scheme Advisory Board) may be a member of the Board.
- 4.5 No elected member of HCC may be appointed to membership of the Board otherwise than as an employer representative.

#### **4.6 Appointment of Employer Representatives**

4.6.1 The employer representatives will be appointed by the Scheme Manager.

4.6.2 An employer representative shall be an elected member or senior employee of HCC or have experience of representing an FFPS employer in a similar capacity.

#### **4.7 Appointment of Member Representatives**

4.7.1 Applications will be invited from those eligible to be appointed as Member representatives, either personally or by open invitation on the HFRA website.

4.7.2 Applications will be considered by the Scheme Manager and the person(s) to be appointed will be determined by the Scheme Manager.

4.8 The term of office for Board members is 4 years.

4.9 A member of the Board shall cease to hold office if:

- (1) he/she is an employer representative and ceases to be eligible to be an employer representative;
- (2) he/she resigns;
- (3) he/she becomes a member of HCC's Pension Committee or otherwise becomes responsible for the discharge of any function of HCC under the Regulations (apart from any function relating to local pension boards or the Firefighters' Pension Scheme Advisory Board);
- (4) he/she dies or becomes incapable of acting;
- (5) he/she is removed by the Scheme Manager as a result of a persistent failure to attend meetings of the Board or to attend or participate in training arranged for members of the Board.

## **5. VOTING**

- 5.1 Members of the Board who are either employer representatives or Member representatives shall be voting members and each member shall have 1 vote.
- 5.2 In the event of an equality of votes, the Chairman or, in the absence of the Chairman, the person presiding at the meeting, will have a second or casting vote.

## **6. CHAIRMAN**

- 6.1 The Board will have a Chairman, to be elected by the Board and shall, subject to 6.3 below, be either an employer representative or a Member representative.
- 6.2 The term of office of the Chairman shall be 1 year unless the Chairman resigns or is replaced by the Board.
- 6.3 The office of Chairman shall rotate between the employer representatives and the member representatives so that where the Chairman is an employer representative the next following Chairman shall be a Member representative and vice-versa.
- 6.4 The Board shall elect a Vice-Chairman who shall, subject to 6.5 below, be either an employer representative or a member representative.
- 6.5 Where the Chairman is an employer representative the Vice-Chairman shall be a member representative and vice-versa.

## **7. STANDARDS AND CONFLICTS OF INTERESTS**

- 7.1 Members of the Board shall comply with HCC's Code of Conduct for Members ("the Code").
- 7.2 Members of the Board who are not elected members of HCC shall register their Disclosable Pecuniary Interests with HCC's Monitoring Officer in

accordance with the Code, the Localism Act 2011 and Regulations made under the Localism Act 2011 as if they were elected members of HCC.

## **8. KNOWLEDGE AND UNDERSTANDING**

- 8.1 The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act and the Regulations.
- 8.2 Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's Knowledge and Understanding Policy and Framework.
- 8.3 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 to carry out their role on the Board.

## **9. MEETINGS AND PROCEEDINGS OF THE BOARD**

- 9.1 The Board shall hold at least 2 meetings each year. The Chairman of the Board with the consent of the Board membership may call additional meetings.
- 9.2 In the absence of the Chairman at a meeting of the Board, the Vice Chairman shall preside at the meeting. In the event that both the Chairman and Vice Chairman are absent then the Board will appoint another member of the Board who is either an employer representative or a Member representative to preside at the meeting.
- 9.3 The quorum for a meeting of the Board shall be 4 and must include an equal number of employer representatives and Member representatives. No business shall be transacted if there is no quorum.

- 9.4 Substitute members will not be permitted unless the Chairman agrees by reason of special circumstances, which may include that the meeting would be unlikely to be quorate unless substitutions were permitted.
- 9.5 Where substitution is permitted the substitute member must be qualified to be a member of the Board as an employer representative where the member being substituted is an employer representative or as a Member representative where the member being substituted is a Member representative.
- 9.6 The Board shall keep minutes of the proceedings at meetings of the Board.
- 9.7 The agenda and reports for, and the minutes of, meetings of the Board shall be published on HCC's website subject to the exclusion of any material, the disclosure of which would be likely to involve the disclosure of confidential or exempt information within the meaning of Part VA of and Schedule 12A to the Local Government Act 1972.
- 9.8 Board meetings shall be held in public subject to the right of the Board to exclude the public during particular items of business if, were they to be present, it is likely that there would be disclosure to them of confidential or exempt information within the meaning of Part VA of and Schedule 12A to the Local Government Act 1972.
- 9.9 Subject to the provisions of the Act and the Regulations, and except where alternative or conflicting provision is lawfully made by this Constitution, meetings of the Board shall be in accordance with HCC's Standing Orders for Regulatory and Other Committees as set out in Annex 11 of HCC's Constitution.

## **10. INFORMATION**

- 10.1 In accordance with Section 6 of the Act, the Scheme Manager shall publish information about the Board to include:
- a) The names of Board members;
  - b) The representation of employers and members on the Board;

- c) The responsibilities of the Board.

## **11. EXPENSES AND ALLOWANCES**

- 11.1 Members of the Board will be paid reasonable travel expenses and subsistence allowances in accordance with HCC's Scheme for Member Allowances for the period in question.