

AWDURDOD TÂN AC ACHUB GOGLEDD CYMRU



NORTH WALES FIRE AND RESCUE AUTHORITY

A meeting of the NORTH WALES FIRE AND RESCUE AUTHORITY will be held MONDAY 20 DECEMBER 2021 virtually via Zoom.

The meeting will start at 9.30am.

Yours faithfully

Gareth Owens
Clerk

AGENDA

- 1. Apologies**
- 2. Declarations of Interest**
- 3. Notice of Urgent Matters**
Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B (4) of the Local Government Act, 1972.
- 4. Minutes of meeting held on 20 September 2021**
- 5. Matters Arising**
- 6. Chair's Report (verbal report)**
- 7. Provisional Outturn 2021/22**
- 8. Medium Term Financial Strategy 2022/25 and Budget 2022/23**
- 9. Firefighters Pension Schemes – Internal Dispute Resolution Procedure**
- 10. Age Discrimination in the Firefighters' Pension Schemes**
- 11. Local Government Pension Scheme Discretionary Policy**
- 12. Review of the Constitution of the Fire and Rescue Authority**
- 13. Members' Register of Interests and Related Party Transactions (verbal report)**

14. Meeting Dates 2022

15. Urgent Matters

To consider any items which the Chair has decided are urgent (pursuant to Section 100B (4) of the Local Government Act, 1972) and of which substance has been declared under item 2 above.

PART II

It is recommended pursuant to Section 100A (4) of the Local Government Act, 1972 that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that there would be disclosed to them exempt information as defined in Paragraph(s) 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972.

16. Ratification of appointments of Principal Officers (verbal report)

Report to	North Wales Fire and Rescue Authority
Date	20 December 2021
Lead Officer	Ken Finch - Treasurer
Contact Officer	Helen Howard
Subject	Provisional Outturn 2021/22



PURPOSE OF REPORT

- 1 To present the projected revenue and capital expenditure position for 2021/22, as at 31 October 2021.

EXECUTIVE SUMMARY

- 2 The Authority approved the 2021/22 revenue budget of £37.07m at its meeting on 9 November 2020. The forecast outturn position remains that the Authority will achieve a breakeven position against this budget.
- 3 The Authority approved the 2021/22 capital budget of £3.08m on 9 November 2020. The capital programme remains under review, due to the ongoing Covid 19 restrictions, an updated capital plan of £2.985m was agreed at the meeting on 15 March 2021.

RECOMMENDATIONS

- 4 Members are asked to:
 - (i) note the draft revenue and capital outturn projections for the 2021/22 financial year as detailed within the report; and
 - (ii) approve the budget realignment request.

OBSERVATIONS FROM EXECUTIVE PANEL/AUDIT COMMITTEE

- 5 This report has not previously been considered by members.

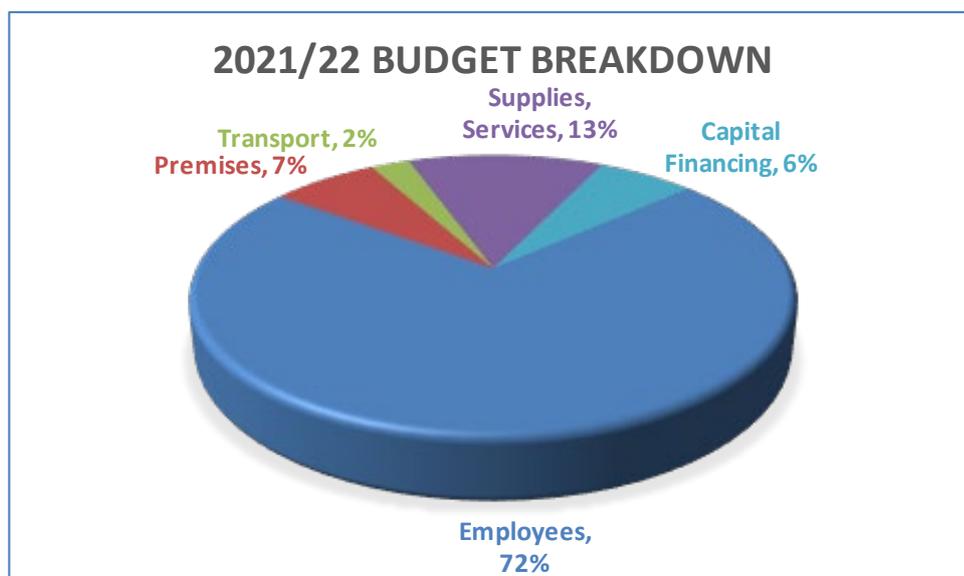
BACKGROUND

- 6 This report provides information on the draft revenue and capital expenditure outturn position for the 2021/22 financial year.

INFORMATION

REVENUE BUDGET

- 7 The budget for 2021/22 of £37.074m was agreed at the Authority meeting on 9 November 2020. Following further planning work, the overall budget requirement was confirmed at the Authority meeting on the 15 March 2021, as a number of revisions were made within expenditure headings. The revenue budget remains under review throughout the financial year and paragraph 30 provides information on the current position.
- 8 The main expenditure headings are detailed below with staff costs representing over 72% of net expenditure.

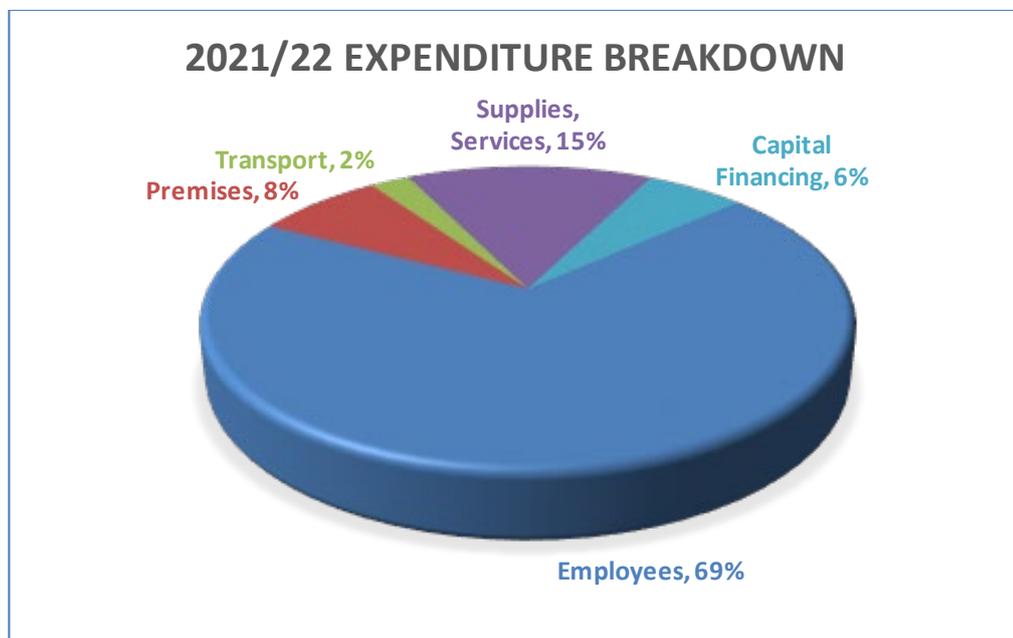


- 9 The budget is set on the approved staffing establishment, including 18 new firefighter apprentices who commenced in April and June 2021.
- 10 The budget setting process included an assumption that pay awards would be 2% for all staff. A pay award of 1.5% has been agreed for Chief Officers and firefighter roles. The local government pay award has not yet been agreed but the current offer is 1.75%. The latest position is that unions representing local government staff are balloting members in relation to strike action.
- 11 The non-pay budgets reflect the known unavoidable cost pressures that are being experienced in relation to utility costs, backlog maintenance, fuel costs and ICT costs, including software licences and maintenance contracts.

- 12 Whilst the majority of expenditure is funded from the constituent authority levy, income is received from the Welsh Government for grant funded activities and recharges from other bodies in relation to the use of our premises. Details on the income budget are in paragraph 23.
- 13 Capital financing costs include the costs of borrowing and revenue charges for using capital assets. A rise in the Bank of England base rates is not anticipated during 2021/22 and this has been factored into the forecast.

REVENUE OUTTURN

- 14 The report is projecting an overall balanced position, including transfers to earmarked reserves. The breakdown of expenditure is detailed below and shows that compared to budget, employee costs are predicted to be 3% lower than the budget, whilst there is continued pressure in relation to supplies and services and premises costs.



- 15 Underspends within the pay budget, are offsetting the increased costs within supplies and services.
- 16 Any increases in the earmarked reserves will fund known future challenges and the Service's priorities.
- 17 Further details of the outturn position are provided in Appendix 1 and the summary below.

Employee Costs

- 18 Employee costs form a significant element of the budget and relate to pay, pension costs, cost of recruitment and training and employee services such as physiotherapy and occupational health services.
- 19 There are currently a number of vacancies that are being recruited to and it is expected that the majority of the posts will be filled during this financial year. Although the Service is taking action to increase the number of retained duty firefighters it will not achieve the planned increase of 30 retained firefighters before the year end.
- 20 The budget for vacant posts is held centrally and will be allocated as posts are filled. There is also budget of £0.04m to fund those staff currently in development roles, who are expected to be assessed as competent in the near future.
- 21 Any underspend from the vacant posts will be used, in the first instance, to offset the pressures within the non-pay budgets.

Non Pay Costs

- 22 There are non-pay pressures within budgets relating to increased costs for computer licences and maintenance, transformation projects including agile working, repairs and maintenance of buildings and higher levels of personal protection equipment as a result of the ongoing Covid 19 pandemic.
- 23 A review of non-pay expenditure is being undertaken by budget holders to ensure that the projections continue to be reasonable.

Income

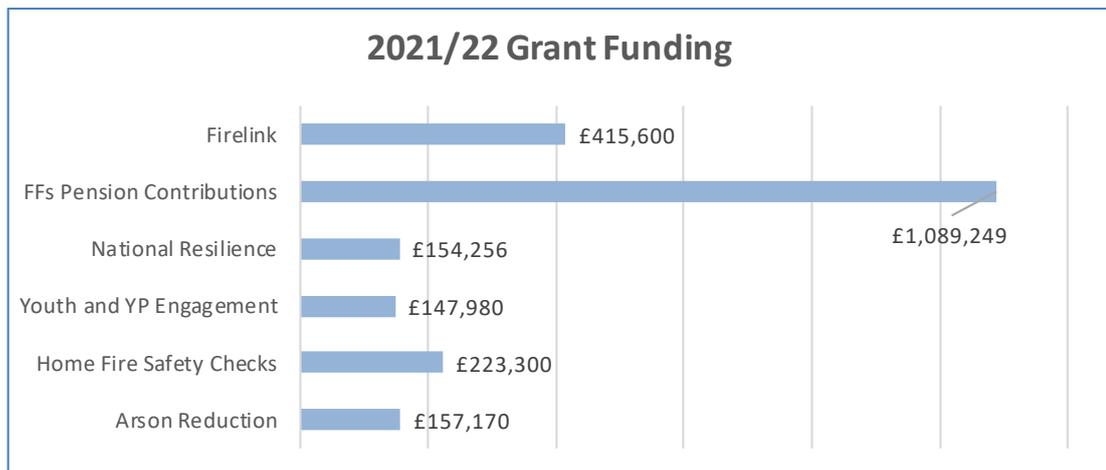
- 24 As well as the constituent authority levy, the budget also includes expected income for fees and charges and grants.
- 25 Fees and charges largely relate to the recharges for buildings shared with other bodies.

	Budget £000	Projection £000	Variance £000
Grants	2,187	2,187	0
Fees and charges	298	368	70
Total	2,485	2,555	70

- 26 The additional income largely relates to additional government funding for apprentice training.

Revenue Grant Funding

- 27 2021/22 grant funding allocations totals £2.187m (2020/21: £2.209m). A breakdown of grant funding, for 2021/22, is detailed below. All grants are carefully monitored throughout the financial year to identify any variances and to enable remedial action to be taken.



USE OF EARMARKED RESERVES

- 28 The aim of the authority's financial reserves is to provide funding for investment in future activities and to act as a safety net in case of short-term financial challenges arising from activity demands or unforeseen pressures.
- 29 In 2020/21 earmarked reserves were set aside to fund costs that should have been incurred in 2020/21, but due to the Covid 19 pandemic were delayed. Supply chain issues, have now meant that some works have been delayed in 2021/22 and therefore, once the full effect of this is known, the cost currently included in the outturn may need to be set aside to ensure funding is available next year.
- 30 The provisional outturn assumes that reserves will increase by £0.11m. The use of reserves will be kept under review as part of the budget monitoring process.

REALIGNED REVENUE BUDGET

- 31 Since the last report, there has not been a requirement to realign the budget. This will be kept under review. It is anticipated that further refinements will be required during the financial year to reflect the ongoing challenges.

CAPITAL PROGRAMME

- 32 The Authority approved a capital programme of £2.985m, in March 2021. Due to the Covid 19 pandemic, it has been necessary to review and revise the capital programme to reflect projects which can be delivered in year.
- 33 All building works have been reviewed and costs relating to non-enhancing minor works have been removed from the budget and will be funded from revenue and reserves.
- 34 The revised capital plan is £2.385m.
- 35 The provisional outturn for the capital programme is £1.223m.

		Capital Plan @ Mar 2021 £000	Capital Plan @ 31 July 2021 £000	Projection £000	Rollover £000
Fleet	Replacement vehicles and appliances	2,028	2,099	1,176	922
Facilities	Building upgrades	790	120	0	120
Information Technology	System upgrades and associated works	167	167	167	0
	Total	2,985	2,385	1,223	1,042

- 36 The rollover of funding in relation to vehicles is due to the significant build time for fire appliances. The latest information from the supplier anticipates that these will not become operational until May 2022 and therefore the final stage payment is not due until May 2022.

- 37 The rollover of Facilities funding relates to two training towers. The design specification has not yet been finalised and therefore it is unlikely these works will be completed by March 2022. Initial estimates suggest that due to design changes costs have increased to £0.160m and therefore additional funding will be allocated as part of the 2022/23 capital plan.
- 38 The financing of the capital plan is as follows:

Funding	Amount £000
Borrowing	907
Earmarked Reserves	316
Total	1,223

CAPITAL FINANCING

- 39 The capital financing budget sets aside revenue funding to finance capital expenditure.
- 40 The Minimum Revenue Provision (MRP) represents the minimum amount that must be charged to an authority's revenue account each year for financing of capital expenditure, which will have initially been funded by borrowing. It is part of all Authority's accounting practices and is about making sure that the Authority can pay off the debts it has from buying capital assets, such as buildings and vehicles.
- 41 Regulations require the Authority to determine each financial year an amount of MRP, which it considers to be prudent by reference to a calculated capital financing requirement (CFR).
- 42 Since the MRP budget was set, capital expenditure expected in 2020/21 did not materialise and therefore there is an under spend on this budget.

BORROWING

- 43 Capital expenditure is largely funded via external borrowing. Conwy County Borough Council manages the Authority's treasury management activities. Although the capital expenditure is largely funded via loans in the short term the Authority may utilise surplus revenue cash.
- 44 The current position in relation to the Authority's borrowings is detailed below:

Loan Principal	Principal Balance at 31 Mar 2021 £000	Loans repaid £000	New loans £000	Principal Balance as at 30 Nov 2021 £000	Movement Dec – Mar 2022 £000	Projected Balance at 31 Mar 2022 £000
Short term*	14,000	(14,000)	9,000	9,000	0	9,000
PWLB	12,119	(1,779)	4,000	14,340	(723)	13,617
Total	26,119	(15,779)	13,000	23,340	(723)	22,617

*Loans are for a 6 month duration

45 All loans have a fixed interest rate. The interest on borrowings is detailed below:

Interest Paid	Interest paid to 30 Nov 2021 £000	Projected interest Dec – Mar 2022 £000	Projected interest payments £000
Short term	3	1	4
PWLB	184	111	295
Total	187	112	299

IMPLICATIONS

Well-being Objectives	This report links to NWFRA's long-term well-being objectives. Funding for the Service benefits the communities of North Wales and ensures there is sufficient investment in infrastructure to enable the service to provide emergency responses and prevention work well in to the future.
Budget	Budget is set annually in accordance with the proposed service delivery which includes emergency response and prevention work.
Legal	It is a legal requirement that the Authority produces the Statement of Accounts in accordance with the prescribed standards.
Staffing	None
Equalities/Human Rights/Welsh Language	None
Risks	Income and expenditure is closely monitored to ensure that deviations from the approved budget are properly identified and reported to Members.

Appendix 1 – Subjective Breakdown 2021/22

Budget heading	Budget £	Projection £	Variance £	Commentary
Employees	28,407,680	27,433,768	(973,912)	There are a number of vacancies within fire safety, retained firefighters and other support roles. Recruitment has re-commenced and these posts remain critical to achieving the Authority's objectives.
Premises	2,682,154	3,020,954	338,800	The projected overspend relates to repair and maintenance work required on stations.
Transport	998,061	931,490	(66,571)	In year expenditure includes the continuing costs arising from adjustments necessary to ensure continuity of service during the Covid 19 pandemic. As activities increase, transport costs are increasing, however these still remain lower than pre-pandemic levels.
Supplies and Services	4,997,183	5,808,476	811,293	This includes increased costs in relation to computer licences and maintenance including the rollout of M365, as well as costs in relation to transformation projects including agile working and the continued requirement of higher levels of personal protection equipment as a result of the Covid 19 pandemic.
Capital Financing	2,467,243	2,323,527	(143,716)	There is an anticipated underspend of £0.14m which reflects the reduction in the 2020/21 capital programme. This forecast anticipates that interest rates will remain at their current levels.
Grant Funding	(2,187,555)	(2,187,555)	0	All grant funding is expected to be utilised in year
Income	(290,529)	(367,005)	(76,476)	The majority of the income relates to costs reimbursed for the use of facilities. The underspend relates to the sale of obsolete equipment
Transfers to/from reserves	0	110,582	110,582	Contribution from reserves to building's minor works and for various ICT projects, delayed by Covid. Capital Financing contribution to reserves to fund potential interest rate increases.
Total	37,074,237	37,074,237	(0)	

Report to	North Wales Fire and Rescue Authority	
Date	20 December 2021	
Lead Officer	Treasurer	
Contact Officer	Helen Howard	
Subject	Medium Term Financial Strategy 2022/25 and Budget 2022/23	

PURPOSE OF REPORT

- 1 To present to Members the Medium Term Financial Strategy (MTFS) 2022/25 and the draft revenue and capital budgets for 2022/23.

EXECUTIVE SUMMARY

- 2 The Fire and Rescue Authority (the Authority) is required to set a balanced budget each financial year and confirm provisional contribution figures to each constituent authority by the end of December preceding the start of the financial year.
- 3 This report sets out the draft revenue and capital budget for 2022/23 and the Medium Term Financial Strategy (MTFS) to March 2025. The funding required from each constituent local authority is also confirmed.
- 4 The budget for 2022/23 and the MTFS include a number of key assumptions, risks and uncertainties which have been identified during the budget planning process

RECOMMENDATIONS

- 5 Members are asked to:
 - (i) approve the capital and revenue budgets for 2022/23 based on an increase in contributions from constituent authorities of £2.34m;
 - (ii) note the key risks and uncertainties identified during the budget planning process; and
 - (iii) endorse the Medium Term Financial Strategy.

OBSERVATIONS FROM EXECUTIVE PANEL

- 6 The members' planning meetings held on 2 November 2021 provided an overview of the budget requirement for 2022/23 and the associated risks and uncertainties.

BACKGROUND

- 7 The Improvement and Wellbeing Plan for 2022/23 confirms the Authority's long term well-being objectives:
- Objective 1:** to work towards making improvements to the health, safety and well-being of people in North Wales
- Objective 2:** to continue to work collaboratively to help communities improve their resilience
- Objective 3:** to operate as effectively and efficiently as possible, making the best use of the resources available
- Objective 4:** to continue to identify opportunities to encourage greater engagement with people, communities, staff and stakeholders
- Objective 5:** to maintain a suitably diverse, resilient, skilled, professional and flexible workforce
- Objective 6:** to develop ways of becoming more environmentally conscious in order to minimise the impact of our activity on the environment
- Objective 7:** to ensure that social value and sustainability are considered, including during procurement processes.
- 8 Since taking up post on the 1 July 2021, the Chief Fire Officer has undertaken a series of meetings internally with staff, representatives of the Fire Brigades Union, other emergency service leaders as well as local Authority Chief Executives.
- 9 This work culminated in a presentation to Members on 20 September 2021 to discuss the situational assessment. This confirmed that the key challenges facing the Authority are maintaining sufficient availability of on-call fire crews; ensuring sufficient resources to maintain and develop firefighter skills; and having enough corporate capacity to meet current and future demand.
- 10 Planning sessions were held for members on the 2 November 2021 to develop initial proposals to address the challenges identified and the budget consequences. This ensures a strategic approach is taken towards financial planning and funding to support achievement of the Authority's objectives.

DRAFT REVENUE BUDGET 2022/23

- 11 Detailed budget planning work has been undertaken and the key planning assumptions, risks and uncertainties are outlined in Appendix 1.

- 12 The planning process has confirmed a net expenditure requirement for 2022/23 of £39.41m which is a year on year increase of £2.34m. The increase includes £1.13m to address the challenges identified by the Chief Fire Officer.
- 13 The table below provides a reconciliation between the 2021/22 revenue budget and the proposed budget for 2022/23. The contribution from each constituent authority is detailed within appendix 4.

	£'m
2021/22 budget	37.07
Inflationary uplift	1.01
National insurance	0.20
Increased training provision	0.39
Increase in operational resilience	0.29
Corporate resilience and capacity	0.25
Business Fire Safety	0.20
2022/23 budget requirement	39.41

- 14 Employee pay costs are in excess of 70% of net expenditure and the draft budget for 2022/23 is £28.5m, assuming a pay award of 2% for all staff and increased national insurance costs. As national pay awards have not yet been finalised this remains a significant planning risk. Work continues to ensure the careful management of employee costs including the continued management of variable pay.
- 15 A breakdown of the employee costs is provided below which confirms that over 88% of costs relate to employees working in service delivery roles.

Staffing Budget Analysis	2022/23 £'m	2023/24 £'m	2024/25 £'m
Response Services	22.512	22.912	23.407
Protection and Prevention Services	2.592	2.653	2.715
Corporate Services	3.394	3.506	3.604
Staffing Budget Requirement	28.498	29.071	29.726

- 16 Employer pension contributions for firefighters increased during 2019/20 following the 2016 revaluation by the Government Actuary's Department. The Welsh Government provided initial support and a decision on the longer term position has not yet been finalised. The provision of support for 2022/23 onwards has not yet been concluded and this represents a risk of £1.1m. At this time, the budget assumption, following discussions with Welsh Government, is that the same level of funding will be received.
- 17 As part of the budget setting process, budget holders submitted departmental plans detailing their expected non-pay expenditure. The specific risks within each budget heading were considered resulting in a proposed budget for supplies, services and third party payments of £9.465m. This includes unavoidable cost pressures that are being experienced, particularly in relation to insurance, premises costs and ICT costs. For other non-pay expenditure, inflation of 2% has been included in the budget, however general inflation and price increases arising from supply chain issues remain key risks.
- 18 The requirement for the public sector to achieve net zero by 2030 has required a review of the energy efficiency of the estate and the level of vehicle emissions. The budget includes an allocation to commence the work required to reduce our carbon footprint. Detailed planning work will continue throughout 2022/23,
- 19 Capital financing costs include the costs of borrowing and revenue charges for using capital assets. A rise in Bank of England base rates is not anticipated during 2022/23 and this has been factored into the budget. The capital financing budget for 2022/23 has been reduced to reflect the reductions in the capital programme in recent years.
- 20 Work will continue to ensure the 2022/23 revenue budget reflects the uncertain environment within which we are currently operating due to Covid-19. This may require budget allocations to be revised between budget headings to address changing priorities.

DRAFT CAPITAL PLAN 2022/23

- 21 The draft capital plan is outlined within Appendix 3 and confirms a capital requirement of £2.916m for 2022/23. The main element of the plan relates to the essential investment in new fire appliances.
- 22 The plan includes a rollover of funding from 2021/22 of £1.083m. This is largely due to the build time in relation to the fire appliances.

- 23 Only building schemes that can safely be completed in the current climate have been included in the plan. This will remain under review before funding is released.
- 24 As mentioned in para 18, work is ongoing to reduce our carbon emissions. During the last year, work has been undertaken to review the non-specialised vehicles, in order to move away from diesel engines. Several hybrid vehicles have been leased for duty officers, to replace diesel leased vehicles. The leasing of hybrid and electric vehicles will continue and will replace owned vehicles, as they are due to be renewed. At present leasing is more cost effective than purchasing the vehicles. This also enables the Fleet Department to review their suitability and performance and take advantage of the latest technology. This will be kept under continually review, by the Head of Fleet and Head of Finance.
- 25 By leasing vehicles, instead of purchasing them, this has meant a reduction in the capital plan, as lease costs are included in the revenue budget. Details of the lease commitments are included in Appendix 3.
- 26 The capital expenditure will have a consequential impact on the capital financing charges in future financial years which have been included within the MTFs.

MEDIUM TERM FINANCIAL STRATEGY 2020/23 (MTFS)

- 27 The draft MTFs is provided within Appendix 2 and is an assessment of the costs associated with maintaining the current level of service provision. Employee related expenditure remains the main cost driver and the medium term financial strategy is based on a planning assumption of a 2% pay award.
- 28 The key risks and uncertainties relating to the MTFs are outlined in appendix 1. The current planning assumption for the MTFs is that additional grant funding for the Airwave project will continue, pay awards are planned at 2% and the additional pension costs arising from the 2016 GAD valuation of the firefighters' pension scheme will continue to be centrally funded.
- 29 Capital expenditure in future years continues to be in relation to the replacement of fire appliances and special vehicles, as well as the replacement of ICT systems. The MTFs does not include any costs regarding the updating of training facilities, which is currently under review.

CONSTITUENT AUTHORITY CONTRIBUTIONS

30 The proposed constituent Authority contributions are documented in Appendix 4.

IMPLICATIONS

Wellbeing Objectives	The budget enables the Authority to achieve its long-term well-being objectives.
Budget	The current estimate of the year on year increase in local authority contributions for 2022/23 is £2.34m.
Legal	The Fire and Rescue Authority has a legal duty to set a balanced revenue budget.
Staffing	None
Equalities/ Human Rights/Welsh Language	None
Risks and Uncertainties	<p>The draft budget has been risk assessed and the following key risks noted:</p> <ul style="list-style-type: none"> • the budget is based on an assumption that pay awards will be 2%. National agreements have not yet been reached; • the planning assumption is that Welsh Government support for the increase in firefighters pensions will continue. If this is not supported there is a risk of £1.1m; • the planning assumption is that Welsh Government funding of £0.4m will continue in respect of the national emergency service network (Airwave grant); • the Authority plans to continue to develop an Environmental Strategy during 2022/23. An assessment of costs has not yet been made; and • the uncertainty surrounding general inflation and supply chain shortages remain and no additional costs have been factored into the 2022/23 budget.

Appendix 1 - Summary of planning assumptions and risks

Heading	Planning assumptions used in budget setting	Risks
Covid-19 implications	<p>The implications of the Covid-19 pandemic are far reaching across the public sector and are being carefully managed on a day to day basis. However, as the situation continues to develop and evolve it is not possible to plan with any certainty what the implications will be for the forthcoming year and beyond.</p> <p>Given this high level of uncertainty the fundamental approach to budget setting process is planning for service delivery in a normal non Covid-19 environment.</p>	<p>The pandemic poses a number of risks:</p> <ul style="list-style-type: none"> • variances in pay costs due to delays in recruitment or high sickness levels. • variances in non-pay costs arising from changes to activities or supply chain issues.

Appendix 1 - Summary of planning assumptions and risks

Heading	Planning assumptions used in budget setting	Risks
Employee costs	<ul style="list-style-type: none"> • The staffing budgets have been formulated on existing service delivery models and updated to address the risks identified within the Chief Fire Officer's situational assessment. It is anticipated that additional posts will be required to meet training requirements and corporate capacity issues. • The initial planning assessment presented to members in November 2021 assumed a national pay award of 2%. This remains a key risk with a cost of £0.2m for each 1% above this rate. • National insurance contributions have increased by 1.25% and no central governmental support is assumed within the budget setting process. • It is assumed that the increases to the employer pension contribution rates arising from the Government Actuary's Department valuation will continue to be grant funded by the Welsh Government. • Following the public inquiry into the Grenfell disaster the Fire Safety Act (2021) has introduced changes to building regulations. This includes changes to responsibilities which will impact on the fire and rescue sector. The impact is currently being assessed and an initial provision of £0.2m has been included within the budget for 2022/23.. 	<ul style="list-style-type: none"> • The National Joint Council (NJC) has reached agreement on the firefighter pay award for 2021/22 but not yet published proposals for 2022/23. • The National Joint Council (NJC) for Local Government Services has not yet reached agreement on the pay award for staff on LGPS contracts for 2021/22 or published proposals for 2022/23. • The budget planning assumes normal levels of activity. If spate conditions occur budget pressures will be experienced. The working assumption is that the General Fund would be utilised in the first instance. • The Welsh Government have confirmed that the grant to support the increase in employer contributions for the firefighter pension scheme will continue for 2022/23 however the amount of funding is unknown. The costs for 2022/23 are estimated to be £1.1m • In December 2018, the government lost its appeal to the legal challenge of the transitional pension arrangements for firefighters. The remedy will apply across the public sector pension schemes. The financial outcome is unknown and no provision has been made.

Appendix 1 - Summary of planning assumptions and risks

Heading	Planning assumptions used in budget setting	Risks
Non Pay	<ul style="list-style-type: none"> The initial planning assessment recognised an average increase of 3% across non pay budgets. This remains an area of significant risk and uncertainty. 	<ul style="list-style-type: none"> Whilst the Service continues to review non-pay costs and strives to manage cost pressures within the planned budget this remains an area of risk due to ongoing pressures within the supply chain arising from price rises and availability issues. This position is being carefully managed but due to significant volatility it is not possible to quantify the impact. No provision has been made in the budget for exceptional costs that may be experienced during the 2022/23 financial year. The national procurement of an Emergency Services Network is progressing but significant delays are being experienced. The existing contract has been extended and the Authority currently receives £0.4m from the Welsh Government towards the provision of the existing service. The assumption is that the current revenue support will continue although this has not yet been confirmed. Although the Authority continues to work towards reducing its carbon footprint detailed plans have not yet been formalised. This work will progress during 2022/23 and whilst some provision has been made based on expected works, it is anticipated that moving forward additional budget will be required.

Appendix 1 - Summary of planning assumptions and risks

Heading	Planning assumptions used in budget setting	Risks
Capital Financing	<ul style="list-style-type: none"> The capital financing requirement for 2022/23 is influenced by the capital expenditure incurred to March 2022. Current estimates for the 2021/22 financial year indicate an outturn of £1.2m against the approved plan of £3.0m. The reduction has mainly arisen due to slippage in the delivery of new vehicles. 	<ul style="list-style-type: none"> The potential increase in interest rates is unknown and may exceed planning assumptions.
Income	<ul style="list-style-type: none"> Income budgets have been reviewed and set in line with previous years. 	<ul style="list-style-type: none"> No specific risks have been identified over and above the grant income from the Welsh Government referenced within this report.

Appendix 2 Medium Term Financial Strategy 2022/2025 – Revenue

	2021/22 Budget £'m	2021/22 Projection £'m	2022/23 Budget £'m	2023/24 Budget £'m	2024/25 Budget £'m
Employee pay costs	26.953	27.434	28.498	29.071	29.726
Other employee costs	1.506		1.548	1.590	1.620
Total Employee Costs	28.459	27.434	30.046	30.661	31.346
Increase in Employee Costs			5.58%	2.05%	2.23%
Premises	2.725	3.021	2.783	2.754	2.771
Transport	0.983	0.931	1.078	0.996	1.002
Supplies, Services and 3rd Party	4.983	5.808	5.604	6.206	6.292
Total Non Pay Expenditure	8.691	9.760	9.465	9.956	10.065
Increase in Non Pay Expenditure			8.91%	5.19%	1.09%
Fees and Charges/Misc Income	- 0.356	- 0.367	- 0.275	- 0.234	- 0.235
Grant Income	- 2.187	- 2.187	- 2.187	- 2.187	- 2.187
Total Income	- 2.543	- 2.554	- 2.462	- 2.421	- 2.422
Capital Financing and Interest Charges	2.467	2.324	2.363	2.717	2.846
Utilisation of Reserves		0.110			
Budget requirement	37.074	37.074	39.412	40.913	41.835
Increase in Budget			6.31%	3.81%	2.25%

Appendix 3 Medium Term Financial Strategy 2022/2025 – Capital

Scheme	2022/23	2023/24	2024/25
	£'m	£'m	£'m
Command and Control System Upgrade	-	0.500	0.500
Fire Appliance Replacement	1.248	2.719	2.719
Multi Purpose Station Vans	0.160	-	-
Workshop Vans	-	0.150	-
Workshop Equipment	0.020	-	-
Special Appliances	-	1.200	0.250
ESXI Host Replacement	-	0.040	-
Station End Mobilising Equipment	-	-	0.300
Operational Equipment	-	-	1.000
Training Tower Replacement	0.160	0.160	0.160
Buildings - Minor Works	0.245	0.298	0.148
Total: 2022/23	1.833	5.067	5.077
Rollover - Fire Appliances	0.923		
Rollover - Training Towers	0.160		
Total: Rollover from 2021/22	1.083		
Total: Capital Plan	2.916	5.067	5.077

Leasing Obligations	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m
Leased vehicles - repayments	0.272	0.365	0.356	0.278	0.088

Appendix 4 – Constituent Local Authority Contributions 2022/23

Authority	2021/2022 Contribution £	Population	Apportionment %	2022/23 Budget Requirement £	Increase £
Anglesey Council	3,689,651	69,864	10%	3,915,486	225,835
Gwynedd Council	6,596,692	125,220	18%	7,017,885	421,193
Conwy County Borough Council	6,230,520	118,320	17%	6,631,214	400,694
Denbighshire County Council	5,060,195	96,021	14%	5,381,432	321,236
Flintshire County Council	8,282,403	157,264	22%	8,813,821	531,418
Wrexham County Borough Council	7,214,775	136,535	19%	7,652,042	437,266
Total	37,074,237	703,224	100%	39,411,879	2,337,642

Population figures: Local Government Finance Policy and Sustainability Division, Welsh Government
LGFPSettlement@Gov.Wales

Report to	North Wales Fire and Rescue Authority
Date	20 December 2021
Lead Officer	Helen MacArthur, Assistant Chief Fire Officer (Finance and Resources)
Contact Officer	Julie Brown (07787578430)
Subject	Firefighters Pension Schemes – Internal Dispute Resolution Procedure



PURPOSE OF REPORT

- 1 The purpose of this report is to update members of the Fire and Rescue Authority (FRA) on proposed changes to the Firefighters Pension Schemes Internal Dispute Resolution Procedure (IDRP). The changes are required to ensure compliance with the updated guidance in the FPS Circular (2021)09.

EXECUTIVE SUMMARY

- 2 The Pensions Act 1995 requires the Scheme Manager to establish procedures to address complaints. Further guidance issued by the Welsh Government prescribes the framework for the Internal Dispute Resolution Procedures for the Firefighters' Pension Schemes in Wales. Compliance with this guidance ensures proper administration and management of the scheme in accordance with the relevant rules and regulations.
- 3 The Welsh Government issued an update to the IDRP guidance in June 2021 which has highlighted that an amendment is required to the second stage of the process. At present stage 2 complaints are considered solely by the Chair of the FRA which is not consistent with the guidance.
- 4 At the Local Pension Board (LPB) meeting in August 2021, board members proposed that the stage 2 complaints should be considered by a panel comprising the Chair and Deputy Chair of the FRA and an employer representative who sits on the LPB.
- 5 The IDRP is published on the [Pension Administrator's website](#).

RECOMMENDATION

- 6 That Members endorse the proposed changes to stage two of the IDRP arrangements and nominate an employer representative to sit on the panel.

INFORMATION

- 7 The Pensions Act 1995 requires all occupational pension schemes to have a formal Internal Dispute Resolution Procedure (IDRP). These procedures give scheme members and the dependents of scheme members, the opportunity to have their grievances properly investigated and disputes resolved correctly, fairly and speedily.
- 8 The scheme rules do not prescribe what the dispute resolution arrangements should look like although the Welsh Government guidance provides this framework. This was updated in June 2021.
- 9 The framework permits that stage one matters are referred to the Chief Fire Officer to consider the complaint. This is consistent with the existing arrangements and no amendment is required.
- 10 If the member is still not satisfied with the decision taken at stage one they can appeal under stage two of the IDRP arrangements, this stage is currently addressed to the Chair of the Fire and Rescue Authority.
- 11 The revised IDRP guidance issued by the Welsh Government suggests that the stage two complaint should be considered by a nominated panel of representatives of the FRA. The panel must have access to relevant advice on technical or legal issues as appropriate.
- 12 The panel may include elected members of the Authority or any other suitable representatives.
- 13 It is recommended that the panel consist of the Chair and Deputy Chair of the FRA supported by one employer member of the Local Pension Board.

IMPLICATIONS

Wellbeing Objectives	Potential impact on the wellbeing of members in the event of failure to review complaints correctly.
Budget	None
Legal	The Pensions Act 1995 requires all occupational pension schemes to have a formal Internal Dispute Resolution Procedure (IDRP). Each set of Firefighter Pension Scheme rules contains arrangements for Internal Dispute Resolution Procedures.
Staffing	Considered not relevant

Equalities/Human Rights/ Welsh Language	It is not considered that there are any issues that need addressing as the recommendations apply equally to all Members regardless of protected characteristics under the Equality Act.
Risks	In addition to the legal requirements, all FRAs need to comply with the guidance provided by the Pensions Regulator around the IDRPs arrangements.

Report to	North Wales Fire and Rescue Authority	
Date	20 December 2021	
Lead Officer	Helen MacArthur, Assistant Chief Fire Officer (Finance and Resources)	
Contact Officer	Helen MacArthur (01745 535286)	
Subject	Age Discrimination in the Firefighters' Pension Schemes	

PURPOSE OF REPORT

- 1 This report provides an update to members of the Fire and Rescue Authority (the Authority) on progress with legislative changes required to address the age discrimination arising from the 2013 pension reforms. The report also makes proposals for the treatment of members who suffer an immediate detriment arising from their retirement or imminent retirement.

EXECUTIVE SUMMARY

- 2 This report builds on previous updates to the Authority and background information is contained within reports to the Authority on 20 September 2021, 20 June 2021 and 9 November 2020.
- 3 The legislative changes necessary to address the age discrimination are contained within Public Service Pensions and Judicial Offices Bill (the Bill). The Bill also empowers responsible authorities to make changes to scheme rules to effect these changes (i.e. the Welsh Ministers for firefighters' pensions in Wales).
- 4 The full implementation is not expected to be concluded until 1 October 2023 and during October 2021 a framework was agreed by lawyers acting on behalf of the Fire Brigades Union (FBU) and fire and rescue authorities. The framework provides a mechanism to allow those affected to receive their legacy benefits before this date.
- 5 Following publication of the agreed framework a joint statement was issued by HMT/HMRC on 29 November 2021 which provided an assessment of the tax risks associated with processing of immediate detriment cases ahead of the changes to the regulations. Further legal advice is being sought via the Local Government Association (LGA) on this matter.

OBSERVATIONS FROM THE EXECUTIVE PANEL OR AUDIT COMMITTEE

- 6 This report has not previously been considered by either the Executive Panel or the Audit Committee. The Local Pension Board received an update at its meeting of 20 October 2021 and endorsed the recommendations to adopt the LGA/FBU framework agreement. However, since that time further guidance has been received from HMT/HMRC which has not been considered by the Local Pension Board.

RECOMMENDATIONS

- 7 Members are requested to:
- (i) note the current position with regards to remedy;
 - (ii) approve the Authority's response to the Welsh Government consultation on changes for the firefighter pension regulations;
 - (iii) approve the recommendation that immediate detriment cases are progressed in accordance with the FBU/LGA legal framework with effect from 4 January 2022, subject to the proviso that the outstanding legal advice is received and confirms the initial assessment of risk; and;
 - (iv) that the final assessment of risk is delegated to the Chief Fire Officer in consultation with the Chair of the Authority.

BACKGROUND

- 8 In December 2018, the Court of Appeal determined that the transitional protection contained within the 2013 pension reforms gave rise to unlawful age discrimination. The Supreme Court refused the Government's application for permission to appeal, meaning that the Court of Appeal decision stands.
- 9 In July 2019, the UK Government confirmed its intention to effect remedy across all public sector schemes. This removed the need for further litigation by members of other public sector schemes similarly affected by the Judgment.
- 10 On 19 July 2021, HM Treasury (HMT) introduced the Public Service Pensions and Judicial Office's Bill (the Bill) to the House of Lords. The Bill will empower responsible authorities to make the necessary changes to the pension scheme rules (i.e. the Welsh Ministers for the firefighters' pensions in Wales).

- 11 There are three broad elements within the proposed remedy measures:
1. All members eligible for remedy will revert back into their legacy scheme for the period of remedy (i.e. 1 April 2015 – 31 March 2022). This will be achieved by the provisions within the Bill;
 2. All members of the legacy schemes will be transferred into the 2015 Firefighters Pension Scheme with effect from 1 April 2022. This will be achieved through changes to the Firefighters' Pension Scheme Regulations which are currently available in draft form; and
 3. A deferred choice mechanism which permits affected members to make a choice at the point of retirement. This will be achieved through changes to the Firefighters' Pension Scheme Regulations (expected 2022/23).
- 12 The Bill is currently moving through the legislative process and it is anticipated that Royal Assent will be granted in April 2022. The Bill contains the timescales for implementing remedy which is anticipated by 1 October 2023.
- 13 The Welsh Government issued a consultation document on 25 October 2021 in relation to the draft regulations required to move all legacy members into the 2015 Firefighters Pension Scheme on 1 April 2022. The deadline for the submission is 20 December 2021.
- 14 The Authority's proposed response to the consultation is set out in Appendix 1. No issues have been identified which require further consideration by members.

TREATMENT OF MEMBERS WHO ARE DEEMED TO BE AT IMMEDIATE DETRIMENT

- 15 The Bill provides that deferred choice will be implemented by 1 October 2023 and this will require further amendments to the scheme regulations. Members who have retired or are due to retire prior to legislative arrangements being finalised are considered to be in immediate detriment.
- 16 The FBU instigated further litigation against two fire and rescue authorities in respect of immediate detriment cases, seeking a legal judgment that affected members could receive their benefits from the legacy scheme ahead of the Bill being implemented. North Wales Fire and Rescue Authority was not party to the litigation although the issue is relevant to all authorities.
- 17 The legal advisors for the UK fire and rescue authorities recognise the difficulties being experienced across the sector and agreed an approach with the FBU which would enable immediate detriment cases to be dealt with swiftly, fairly and in a consistent manner.

- 18 The agreement provides a legal framework which allows eligible members to receive their benefits from their legacy scheme. Eligible members fall into two categories:
1. Members who are currently employed but may wish to retire before 1 October 2023; or
 2. Retired members and their beneficiaries receiving a pension from the 2015 Firefighters Pension Scheme.
- 19 The agreement also requires that a statement of legacy benefits is provided within 62 days of receipt of an application from an eligible member. As the software has not yet been developed the benefits are calculated manually requiring significant checks for completeness and accuracy.
- 20 Testing of processes has been undertaken jointly with Dyfed Pension Fund who administers the scheme on behalf of the Authority. It is considered that the framework can be implemented with effect from 4 January 2022
- 21 On 29 November 2021 a joint statement was issued by HMT/HMRC which outlined a number of potential tax complexities that may arise from processing immediate detriment cases ahead of the required changes to the legislation. HMT has confirmed the withdrawal of its previous guidance on the processing of immediate detriment cases due to the unintended tax consequences, creating the need to revisit and correct cases once the tax legislation has been introduced.
- 22 Cases which are processed ahead of the regulations and result in a compensatory payment to an individual (e.g. to correct a taxation issue) may be deemed to be outside of any funding mechanism put in place to address remedy costs, including the administrative costs.
- 23 The update from HMT/HMRC places Fire and Rescue Authorities in an invidious position; the agreement with the FBU was reached in good faith to avoid the test cases progressing to the High Court but there may be consequential tax and funding issues previously not known about.
- 24 Further legal advice on the HMT/HMRC statement is being sought nationally via the LGA and at the time of writing this report this advice is outstanding. The initial impact assessment indicates that continuing with immediate detriment processing may increase the administrative burden although the financial impact of the tax issues currently identified is not considered material. The continued processing of immediate detriment claims will reduce the risk of further litigation from members.

IMPLICATIONS

Wellbeing Objectives	Although not directly linked to the well-being objectives all members of the public pension schemes offered by the Authority will be impacted by the proposed changes.
Budget	Future remedy will have an implication on the Authority's budget; remedy will result in increased administration and employer superannuation costs.
Legal	The Authority is under a legal duty to ensure compliance with the Scheme Regulations.
Staffing	This matter directly impacts on employees who are members of the public sector pension schemes offered by the Authority; depending on the scheme, members may choose to retire earlier under the new proposals than under current regulations.
Equalities/ Human Rights/ Welsh Language	The proposals address the unlawful age-based transitional protection arrangements in the 2015 pension schemes, ensuring fair treatment for all pension members.
Risks	The processing of immediate detriment cases prior to amendments in the scheme regulations increases the risk of error and further litigation. Control measures are in place to reduce this risk.

Appendix 1 – Response to Welsh Government consultation on amendments to firefighters’ pension schemes in Wales 2021

Question 1

How far do you believe the draft regulations reflect the need to transfer protected members into the 2015 Scheme on 1 April next year? Do you think there are any errors or omissions in the draft?

Answer: The draft regulations achieve their function and have the desired effect of transferring fully protected members of the FPS1992 and NFPS2007 into the FPS 2015 scheme on 1 April 2022. No omissions or issues have been identified which would impact on the proposal.

Question 2

Do you have any views on the proposals regarding double accrual?

Answer: The regulations are clear that the existing protection of double accrual has been preserved and how this will be treated under the proposals. We have nothing further to add to these proposals.

Question 3

Do you have any views on the proposals regarding ill health retirement? In particular, do you agree that we should draft the regulations to make provision for ill health retirements which straddle the transfer date, and which ensure that people in those circumstances are no worse off than if they retired before that date?

Answer: The FRA recognises that this is a difficult and sensitive area and concurs with the comments within the consultation that the application of the change to the regulation on 1 April 2022 may place members who are currently in the ill-health process in a detrimental position. However, the proposal contained within the consultation of using the date of referral to an independent qualified medical practitioner addresses this and the FRA fully supports this proposal.

Question 4

Do you envisage any difficulties or obstacles in implementing the transfer which the regulations provide for?

Answer: No obstacles identified.

Question 5

We are interested in understanding whether the proposals in this consultation document will have an impact on people with protected characteristics. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation. Do you think that the proposals in this consultation will have any positive or negative impacts on people with protected characteristics? If so, which and why/why not?

Answer: The FRA has not identified any further issues that would negatively impact on members with protected characteristics.

Question 6

We would like to know your views on the effects that the above proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Answer: The FRA does not consider that the proposals contained within the regulations have either a positive or negative impact on the Welsh language.

Question 7

Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Answer: As above

Question 8

Do you have any other views about these proposals (recognising that the underlying policy and law are not devolved, and not matters for the Welsh Government)?

Answer: The FRA does not have any further views or comments that it wishes to raise as part of this consultation.

Report to	North Wales Fire and Rescue Authority	
Date	20 December 2021	
Lead Officer	Helen MacArthur, Assistant Chief Fire Officer (Finance and Resources)	
Contact Officer	Julie Brown, Pensions Manager	
Subject	Local Government Pension Scheme Discretionary Policy	

PURPOSE OF REPORT

- 1 To confirm to Members the requirement for the Fire and Rescue Authority (the Authority) to produce a Local Government Pension Scheme Discretionary Policy.
- 2 To seek approval of the proposed resolutions for the Local Government Pension Scheme Discretionary Policy.

EXECUTIVE SUMMARY

- 3 The Authority is required to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme (LGPS). The current discretionary policy was approved by members on 16 September 2019 and it is good practice for these to be reviewed on a cyclical basis.

RECOMMENDATIONS

- 4 Members are requested to approve each discretionary resolution to be incorporated the into the Service's LGPS Discretionary Policy.

BACKGROUND

- 5 The Regulations applicable to the LGPS prescribe the way in which the pension arrangements will be applied for members of the scheme. These Regulations also allow the administering Authority to apply its discretion in relation to certain matters. Under the Authority's constitution, the decision to use these discretionary powers cannot be delegated and are reserved for the Authority.
- 6 Appendix 1 provides an overview of the legal framework underpinning the discretions that apply to the LGPS. The LGPS discretions are set out in Appendix 2 and subject to approval, will form the policy to be applied by the Service.

INFORMATION

- 7 The current discretionary policy was approved by members on 16 September 2019 and following the introduction of the Shared Cost Additional Voluntary Contributions Scheme (SCAVC) the discretions have been reviewed. The SCAVC allows for members of the pension scheme to make additional contributions using a HMRC compliant salary sacrifice arrangement administered by the Service's tax advisors.
- 8 The fully managed solution minimises administration for the employer and increases employee engagement, with a dedicated employee helpdesk, LGPS awareness and education sessions for employees.
- 9 The employee benefits from reduced tax and National Insurance contributions. The cost of administering the scheme is met by the employer who also benefits from reduced employer National Insurance contributions.

IMPLICATIONS

Wellbeing Objectives	The Discretionary Policy provides clarity for decision making on certain pension issues contributing to securing the Authority's financial sustainability.
Budget	Certain decisions can impact the budget in terms of employer superannuation payments and the impact on future actuarial valuations.
Legal	The regulations governing the administration of the Local Government Pension Scheme provide for a number of discretionary powers on the part of the Fire Authority.
Staffing	Potential impact on staffing levels if certain discretions positively influence a member's retirement decision-making process.
Equalities/Human Rights/ Welsh Language	None
Risks	Non-compliance with legislation

The Regulations that apply to the LGPS are:

- The Local Government Pension Scheme Regulations 2013 (these are referred to as the “Pension Regulations”);
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (referred to as the “Transitional Regulations”);
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applied to the LGPS before 1 April 2014, are preserved in part on a transitional basis by the Transitional Regulations and are referred to as the “Benefits Regulations”;
- The Local Government Pension Scheme (**Administration**) Regulations 2008 and are referred to as the “Benefits Regulations”;
- The Local Government Pension Scheme (**Transitional Provisions**) Regulations 2008;
- The Local Government Pension Scheme Regulations 1997 (as amended. referred to as the “Benefits Regulations”).

In the table below:

- (1) "The Scheme" or "the Pension Scheme" means the LGPS and "the Fund" or "the Pension Fund" means the fund maintained under the LGPS;
- (2) "Member" means a member of the LGPS;
- (3) "Active member" means a member in employment and paying, or treated as paying, contributions to the LGPS, or absent from employment for a reason mentioned in Regulation 11 of the Pensions Regulations.
- (4) References to a member with transitional protection are those who have statutory transitional protection under the Transitional Regulations, wholly or partly, from changes that would otherwise be made to their pension entitlements and/or from actuarial reductions that would otherwise be applied to their pension benefits as a result of the coming into force of the Pensions Regulations on 1 April 2014.
- (5) References to a member meeting "the 85 year rule" are those members whose age in whole years when added to the member's total membership in whole years is 85 years or more and who joined the scheme before 1 October 2006.

No	Regulation	Discretion	Policy
1	Regulations 16(2)(e) and 16(4)(d) Pensions Regulations Funding of Additional Pension Contributions	To fund, in whole or in part, additional pension contributions on behalf of an employee where these are to be paid by regular contributions (Regulation 16(2)(e)) or by lump sum (Regulation 16(4)(d)) (maximum £6,500).	Not to apply this discretion
2	Regulation 16 (16) Pensions Regulations Election for Shared Cost Additional Pension Contributions (APC)	Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (other than because of illness or injury, relevant child related leave or reserved force service leave)	Not to apply this discretion
3	Regulation 17 (1) Shared Cost Additional Voluntary Contributions (AVC)	Whether, how much, and in what circumstances to contribute to shared cost additional voluntary contribution (SCAVC) arrangements.	The Service will pay SCAVC contributions where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer SCAVC contributions will not exceed the amount of salary sacrificed by the employee. This is an Employer discretion which is subject to the employee meeting the Service's conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.

No	Regulation	Discretion	Policy
4	Regulation 22 (7)(b), Pensions Regulations Transitional Regulations paragraph 10 (6) Aggregation of Benefits: Concurrent Employments	To allow an active member with concurrent employments, who ceases an employment with an entitlement to a deferred pension, a longer period than 12 months in which to elect not to have the benefits in their post 31 March 2014 deferred member's pension account aggregated with the benefits in their active member's pension account. (Pre 1 April 2014 applicable to Transitional Protection regulations).	Not to apply this discretion
5	Regulation 22 (8)(b), Pensions Regulations Aggregation of Benefits: Deferred Member becoming Active Member	To allow a deferred member who again becomes an active member a longer period than 12 months in which to elect not to have the benefits in their post 31 March 2014 deferred member's pension account aggregated with the benefits in their active member's pension account.	Not to apply this discretion
6	Regulation 30(6), Pensions Regulations and TP11 (2) transitional regulations Flexible Retirement	Flexible Retirement - to agree to an employee aged 55 or over reducing their hours of work or grade so that they may receive all or some of their retirement pension while still employed	The discretion may be applied where the Service deems it appropriate to allow flexible retirement and it is cost neutral. This discretion does not confer a right to flexible retirement.

No	Regulation	Discretion	Policy
7	Regulation 30 (8), Pensions Regulations Waiving of Actuarial Reduction to Pensions	To agree to waive, in whole or in part, any reduction that would otherwise be made on the early payment of a pension to an employee aged 55 who is resigning from their pensionable employment or to the pension paid to an employee allowed to take flexible retirement under Regulation 30(6) of the Pensions Regulations	To be applied in the following circumstances: (1) There would be no cost to the Service; (2) In cases of exceptional hardship or on exceptional compassionate grounds;
8	Regulation 31, Pensions Regulations Award of Additional Pension	To award additional pension to: (1) an active member; or (2) a former active member who was dismissed by reason of redundancy or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency	Not to apply this discretion
9	Regulation 37 (3) and (4) Pensions Regulations Gainful employment	Where a person in receipt of tier 3 ill-health pension has started gainful employment. Whether to recover any overpaid tier 3 pension following commencement of gainful employment.	Review ill-health benefits according to the regulations. Apply this discretion.

No	Regulation	Discretion	Policy
10	Regulation 91, Pensions Regulations Forfeiture Certificates	To apply to the Secretary of State for the issue of a forfeiture certificate. Note: A forfeiture certificate may be applied for where a member has been convicted of an offence committed in connection with the member's employment and because of which the member has left that employment. A forfeiture certificate is a certificate, issued by the Secretary of State that the offence was gravely injurious to the State or is liable to lead to serious loss of confidence in the public service.	This discretion will be applied in normal circumstances.
11	Regulation 93, Pensions Regulations Recovery of Money Owed as a result of Misconduct	To recover money owing to the former employer where a person has left employment as a result of grave misconduct or of a criminal, negligent or fraudulent act or omission in relation to that employment and owes money to the employer arising out of such that misconduct, act or omission. Note: If there is a dispute about the amount owed the Service may only recover the money from the employee's pension benefits under a court order or the award of an arbitrator.	Apply this discretion

No	Regulation	Discretion	Policy
12	Regulation 100, Pensions Regulations Inward Transfer of Pension Rights	To allow a person more than 12 months beginning with the date when they first became an active member in an employment to request the acceptance of a transfer value for certain accrued pension rights.	Apply this discretion subject to the following: (1) the scheme member has requested that the process commences within the twelve month time limit, or (2) where there is reason to believe that the individual would not have known of the need to take action to instigate the potential transfer in of previous pension rights and benefits within the twelve month time limit, and the HR &/or pension files support this. Only in exceptional circumstances will a longer period be allowed so long as there is no known reason or prospect of the employee having access to their pension rights within the next 12 months.

No	Regulation	Discretion	Policy
13	<p>Schedule 2, Transitional Regulations paragraph 1 (2) and 1 (1c)</p> <p>85 year rule</p> <p>TPSch 2, para 1(2) & 1(1)(f) & R60</p>	<p>Whether to 'switch on' the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement)</p> <p>Whether to 'switch on' the 85 year rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60</p> <p>Whether to 'switch on' the 85 year rule for a councillor member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60</p>	<p>This discretion will be applied subject to:</p> <p>The 85 year rule will only be switched on before the age of 60 if there is no additional cost to the Service</p>
14	<p>Schedule 2, Transitional Regulations paragraph 1 (2) and 2 (2)</p> <p>Early Payment of Pension in cases of Members with Transitional Protection</p>	<p>To agree to that the transitional protections set out in Paragraph 1(3) of Schedule 2 to the Transitional Regulations should apply. This affects members with transitional protection who choose to retire between the ages of 55 and 60. The transitional protections offer complete or partial protection from actuarial reductions depending on the circumstances.</p>	<p>Not to apply this discretion</p>

No	Regulation	Discretion	Policy
15	<p>B30 (5) Transitional Regulations paragraph 2 (1) B30A(5)</p> <p>Waiver of Actuarial Reductions</p> <p>31 (5) and Transitional Regulations paragraph 2 (1)</p>	<p>Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)</p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits)</p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early (councillors)</p>	<p>This discretion will be applied in all cases retrospectively reported to the Fire and Rescue Authority.</p>
16	<p>Schedule 2, Transitional Regulations paragraph 2 (3)</p> <p>Waiver of Actuarial Reductions to pension in cases of Members with Transitional Protection</p>	<p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits from pre 1 April 2014 membership where the Employer has 'switched on' the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.</p>	<p>This discretion will be applied in all cases retrospectively reported to the Fire and Rescue Authority.</p>

No	Regulation	Discretion	Policy
17	<p>Schedule 2, Transitional Regulations paragraph 10 (6)</p> <p>Extend 12 month option period</p>	<p>Whether to extend the 12 month option period for a member (who did not become a member of the 2014 Scheme by virtue of regulation 5 (1) to elect that pre 1 April 2014 deferred benefits should be aggregated with a new employment.</p>	<p>This discretion will be applied in all cases retrospectively reported to the Fire and Rescue Authority.</p>
18	<p>Transitional Regulations paragraph 4</p> <p>Regulation 31 (2), Benefit Regulations</p> <p>Early payment of deferred benefits</p>	<p>Policy in relation to scheme members who ceased active membership on or after 01/04/1998 and before 01/04/2008.</p> <p>Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds</p> <p>Grant application for early payment of deferred benefits on or after age 50 and before age 55.</p>	<p>This discretion will be applied in all cases retrospectively reported to the Fire and Rescue Authority.</p>

Report to **North Wales Fire and Rescue Authority**

Date **20 December 2021**

Lead Officer **Clerk**

Contact Officer **Gareth Owens (01745 535286)**

Subject **Review of the Constitution of the Fire and Rescue Authority**



PURPOSE OF REPORT

- 1 To approve the Multi Location Meetings Policy and revised Constitution.

EXECUTIVE SUMMARY

- 2 At its Annual Meeting the Authority agreed to establish a small working group to review the Constitution and prepare a Multi-Location Meetings Policy in order to comply with new duties under the Local Government and Elections (Wales) Act 2021 ("the Act") and to reflect changes to the way in which the Authority operates due to the pandemic.
- 3 The working group consisted of the Chair and Deputy Chair of the Authority, the Chairs of the Audit and Standards Committee and Cllr Meirick Lloyd Davies. The group met twice over the summer and recommends changes to the Constitution and the approval of a Multi-Location Meetings policy.

RECOMMENDATIONS

- 4 It is recommended that the:
 - (i) Multi Location Meetings Policy and revised Constitution be approved;
 - (ii) working group be thanked for their work.

BACKGROUND

- 5 The Authority is not required to publish a Constitution but does so for greater transparency and as a matter of good practice. The document contains the terms of reference for committees, rules of procedure for such things as meetings and contracts and various ethical codes and protocols. Its terminology is rooted in physical presence at meetings in the Authority's offices e.g. requiring motions to be written and handed to the Chair or recording declarations of interest in a book that is open to inspection. The language therefore needed to be updated to reflect modern ways of working.

- 6 In addition, the Act requires the Authority to make and publish arrangements for ensuring that meetings are capable of being held by such means as enable people who are not in the same place to attend. That is to say to publish arrangements for meetings that are either fully remote or where only some people are physically present (called “hybrid meetings”). Those arrangements are called a Multi Locations Meeting Policy.

INFORMATION

Working Group Meetings

- 7 The working group met twice over the summer and, between meetings, reviewed and commented on documents.
- 8 At its first meeting the working group looked at how meetings are conducted remotely or as hybrid meetings, so that they are accessible and make sense to members of the public. It agreed a series of principles to guide how meetings should be undertaken. In summary they agreed:
- (i) that in the long term meetings should be held as hybrid meetings when it is safe and possible to do so;
 - (ii) that, as the technology needed to hold hybrid meetings is not yet installed at the Authority's Headquarters, meetings would continue to be held remotely for the time being;
 - (iii) that officer should liaise with Conwy County Borough Council and the other constituent authorities to see whether they have, and whether the Authority might use, the technology for hybrid meetings;
 - (iv) that the new members of the Authority should be consulted after the elections in May 2022 on their preferred time and format for meetings;
 - (v) practical issues such as how voting would be managed, who would be treated as being present at meetings and the use of the chat function;

The working group also asked the Clerk to prepare options for how the public might attend and participate in meetings.

- 9 At its second meeting, the group reviewed the options for public participation. It also looked at and agreed to amend the Constitution in order to:
- (i) modernise the language e.g. removing references that implied or required a physical presence;
 - (ii) update references to legislation;
 - (iii) incorporate administrative change required under the Act e.g. the requirement to publish Records of Decision within 7 days of a meeting taking place;

(iv) minor changes to increase clarity e.g listing all the functions that must be reserved to the Full Authority, clarifying the Chief Fire Officer's role in relation to the pension fund.

Following the meeting the group considered and commented on documents that had been drafted/amended in accordance with its decisions.

- 10 The Multi Location Meetings Policy is attached at Appendix 1. A list of the changes made to the Constitution is attached at Appendix 2. The fully revised and amended versions of the Constitution are also attached.

IMPLICATIONS

Wellbeing Objectives	Modernising the Constitution and the way in which the Authority operates
Budget	No additional cost over and above the existing allocated budget
Legal	Some changes to the Constitution are required by the new Act
Staffing	Not considered relevant
Equalities/Human Rights/Welsh Language	All aspects considered as a matter of course
Risks	Not considered relevant

North Wales Fire and Rescue Authority
Meetings Policy

1.0 Introduction

2.0 Policy and Legislative Context

3.0 Format for Meetings

4.0 Attendance by Members and Quorum

5.0 Chairing Meetings and voting

6.0 Attendance and participation by the public

7.0 Confidential or Exempt Information

8.0 Behaviour and Conduct

9.0 Disturbance in Meetings

10.0 Notices, agendas, and reports

11.0 Records of Decision and Minutes

12.0 Training, support and technical assistance

1.0 Introduction

- 1.1 The North Wales Fire and Rescue Authority (“the Authority”) has produced this policy on how it will hold its meetings in order to explain its approach to the holding of meetings of its members, and how the public may view and/or participate in them.
- 1.2 The policy applies to meetings of the Authority, its committees and any panels containing elected councillors or co-opted members organised in accordance with the Local Government Acts 1972 and 2000. It does not apply to internal working meetings of the employees of the Authority nor to business meetings that they might hold from time to time with councillors.

2.0 Policy and Legislative Context

- 2.1 The Authority holds meetings of its councillors pursuant to the Local Government Act 1972 and, in the case of the Standards Committee, the Local Government Act 2000 plus subordinate legislation under each statute.
- 2.2 This policy is produced in accordance with the Authority’s duty under section 47 Local Government & Elections (Wales) Act 2021.
- 2.3 Under the Well-being of Future Generations (Wales) Act 2015 the Authority has considered how this policy contributes to the 7 well-being goals and the 5 ways of working.

Long term	The Authority covers a large geographical area, and it recognises the CO2 emissions associated with physical attendance at meetings. It will seek to reduce those emissions by travelling only when necessary.
Preventative	The Authority governs the Fire & Rescue Service which has key preventative responsibilities. Ensuring that its meetings are effective and transparent gives direction and democratic accountability to the management of the Service.
Involvement	All meetings of the Authority and its committees are required to be open to the public unless they are considering a small range of subjects laid out in statute. Holding meetings virtually or in hybrid form and placing recordings of meetings on the website promotes transparency and enables more people to see meetings more easily.
Integration	No impact

Collaboration	Facilitating the involvement of elected councillors in Authority business helps to facilitate integration between the Authority and the 6 County/County Borough councils from which they are drawn.
A prosperous Wales	No impact.
A resilient Wales	Changing working practices and developing skills for more resilient services and communities as the population and climate changes in the long-term.
A healthier Wales	No impact
A more equal Wales	On line meetings or recordings enables more people to see meetings more easily irrespective of their availability to attend in person
A Wales of Cohesive communities	Enabling access to and participation in democratic decision making structures enhances the cohesiveness of our communities.
A Wales of vibrant culture and thriving Welsh language	Ensuring all meetings are provided bilingually.
A globally responsive Wales	More digital services reduces the need for journeys and resources such as fuel and paper, reducing CO2 emissions and use of resources.

3.0 Format for Meetings

3.1 Meetings can take a number of formats based on whether some or all of the participants are physically present. For the purposes of this policy they are defined as

- Physical meetings – all participants are, and must be, physically present in the same room
- Hybrid meetings – some participants are physically in the same room but others may/do join the meeting using remote conferencing software (video and/or telephone)
- Remote meetings – all participants are joining the meeting using remote conferencing software (video or telephone)

- 3.2 When Section 47 Local Government and Elections (Wales) Act 2021 is implemented physical meetings will no longer be permitted. The Authority will have to hold either hybrid or remote meetings.
- 3.3 Meetings of the Authority and its Committees (Executive Panel, Audit committee and Standards Committee) plus the Local Pension Board will take place as remote meetings for the short term, possibly until the Annual meeting in 2022. The Authority will commence hybrid meetings when it is physically safe to do so and when the Authority has the technology in place for them to function satisfactorily. The Authority is investigating the technology and resources required to hold hybrid meetings either at its own headquarters or at another location.
- 3.4 The current term of this Authority ends in May 2022 when new members will be appointed following the local government elections. The Authority will consult the new members on the preferred format and timing of meetings to ensure that its meetings are held in a manner and at a time that best suits them.
- 3.5 The Authority currently uses Zoom as its remote conferencing software. This has the capability for participation via video and telephone. The Chief Fire Officer has discretion to change the software as best suits the needs of the Authority.
- 3.6 Other meetings involving members, but which are not formal meetings of the Authority or its committees, may take place as physical, hybrid or remote meetings depending upon which format best suits the nature of the business to be undertaken. For example working groups or discussions on sensitive issues may take place as physical meetings if that is deemed to best suit the needs of the particular meeting.

4.0 Attendance by Members and Quorum

- 4.1 When a meeting takes place wholly in person it is easy to tell who is present and thus who should be recorded as being in attendance at the meeting.

- 4.2 When a meeting takes place partly on line then members will be taken as present if they have joined the remote/hybrid meeting and their camera is on. Sometimes, in cases of poor connectivity, it is necessary for participants to turn their camera off in order to enhance sound or even to dial into the meeting using a telephone link. In such circumstances, the Chair and Clerk will decide whether a person is to be treated present or not.
- 4.3 In physical meetings it is usually possible from the layout of the room to tell what role a person is fulfilling. Online that is not possible, and so councillors will be identified by the use of the prefix "Cllr" before their name and officers will have their job title after their name. Those councillors who are entitled to vote will be identified with a further asterisk against their name so that it is clear who can and cannot vote.
- 4.4 Where a member needs to declare a personal and prejudicial interest in an item, the councillors' code of conduct requires that s/he should leave the meeting during debate on that item. How this requirement will be deemed to be satisfied will depend on whether the member is physically or virtually present:
1. A member who is physically must leave the room in which the meeting is taking place during that item – simply moving to another part of the room or staying silent is not sufficient; and
 2. A member attending virtually (either at a remote or hybrid meeting) will be moved to a virtual lobby during that item where they will be unable to see or hear the debate on that item.
- 4.5 During a remote or hybrid meeting one or more people might experience connection difficulties that mean they either cannot be heard or even result in them "dropping out" of the meeting altogether. If the meeting remains quorate the Chair has the choice of whether to continue the meeting, wait for a period to enable them to reconnect or to adjourn the meeting to another time/date.

5.0 Chairing Meetings and voting

- 5.1 Chairing a multi-location meeting is very different to chairing a face-to-face meeting. Chairs will need to be supported to carry out their role in specific ways. The job of the Chair will be a particular challenge where a meeting is being carried out in a physical space with only some participants joining through remote means. See also the section below on Support and Assistance during the meeting.

- 5.2 At each meeting the Chair, either in person or through the officers supporting the meeting, will:
- ensure that public observers are welcomed and that business is explained in a way that is understandable, including the operation of the multi-location meeting itself;
 - ensure before the start of the meeting that everyone is able to access the meeting, and that everyone is able to both see and hear each other (where the law requires it for specific meetings) or hear each other (for other formal meetings);
 - explain that simultaneous translation is available and that contributions are welcomed in both Welsh and English;
 - at the beginning of the meeting, introduce themselves, the committee, the key officers present and other participants to ensure that those watching or listening to a broadcast are aware who is who;
 - provide a reminder of meeting arrangements and policies, particularly relating to conduct and behaviour e.g. muting one's microphone when not speaking, how votes will be taken etc.
 - ensure that everyone has a fair opportunity to participate in the debate irrespective of whether they are physically present, on line or dialling in to the meeting;
 - check occasionally during the meeting that no one has been 'lost' due to technical issues,
 - frame the meeting with reminders of the purpose of each agenda item and, if necessary, summarise decisions prior to any vote;
 - explain the voting method to be adopted for the meeting, or, for that particular item, if it is different (e.g. in the event of a recorded vote being requested)
- 5.3 The method of voting at meetings will depend on the format of the meeting, the significance of the issue under debate and the level of formality. A show of hands is often impractical on remote/hybrid meetings because it can be difficult to see all persons participating in the meeting if there are several screens of participants.
- 5.4 The Chair, on advice from the Clerk or Chief Fire Officer, may use any of the following methods:
- 1) General assent – agreement of the members is assumed unless they indicate via the chat function or by speaking out that they wish to vote against or abstain on an item
 - 2) Roll call – each councillor is asked in turn how they wish to vote

- 3) Electronic voting – the video conferencing solution may offer a voting option that will automatically tally votes for and against a motion (this function is available in Zoom), and there are voting buttons that perform a similar function in some meeting rooms (for example the Council chamber at Conwy County Borough Council's offices)
- 5.5 Where some councillors are joining by telephone it may be necessary for the chair to ask them individually how they wish to vote as other methods may not be suitable.
- 5.6 The Clerk will advise the Chair of the outcome of any vote.

6.0 Attendance and participation by the public

- 6.1 All meetings of the Authority and its committees are open to the public, except when they are considering a small range of items laid down in statute (see Confidential or Exempt Information section below). Where hybrid meetings take place the date, time and place of the meeting will be published and the public will be entitled to attend the meeting in person. The access code for the meeting will also be made available.
- 6.2 Members of the public may speak at meetings of the Full Authority on issues that affect them. The following rules will apply to participation in meetings by members of the public:
 - i. Any member of the public who lives, works, volunteers or runs a business/organisation within North Wales may participate in meetings of the Full Authority in accordance with these rules;
 - ii. A member of the public may, on giving the required period of notice submit:
 - a. their intention to make representations; or
 - b. up to 3 questions (in total irrespective of the number of agenda items about which questions are to be asked) in respect of an item or items on the agenda of a forthcoming meeting of the Full Authority. When submitting notice the member of the public must give the full text of the representations to be made or question(s) to be asked

- iii. The required period of notice is set out below in clear working days before the meeting, that is not counting the day on which the representations/questions are submitted nor the day of the meeting itself.
 - a. for representations the required notice is 5 clear working days; and
 - b. for questions the required notice is 2 clear working days
- iv. The Chief Fire Officer or Clerk may refuse to accept any representations or questions where the subject matter is/appears to
 - a. be unrelated to the roles and responsibilities of the Fire Authority
 - b. be defamatory of any person
 - c. be frivolous or vexatious or offensive
 - d. be subject to threatened or current ongoing legal proceedings
 - e. require the disclosure of confidential or exempt information
 - f. relate to a formal complaint already lodged with the Authority
 - g. relate to an employee's current or previous employment with the Authority
 - h. contain an allegation against, or comments about, the conduct of individual Members or Officers;
- v. A member of the public making representations or asking questions may speak for up to 3 minutes in total (irrespective of the number of agenda items on which they wish to make representations or the number of questions they wish to ask.). The Chair may, with the agreement of that person, treat a question as having been read
- vi. A maximum of 15 minutes will be allowed at each meeting for representations and/or questions. The Chair has discretion to extend these limits
- vii. In response to a representation the Authority may either
 - a. refer the matter without debate to the Chief Fire Officer for investigation and to report back to the Authority or to one of its Committees;
 - b. take it into consideration if it relates to an item on a current or forthcoming agenda (at the time that item is to be considered); or
 - c. record the representation and take no further action.
- viii. Where one or more questions have been asked the Chair will give a verbal answer at the meeting. If the person putting the question is not in attendance then the answer will be given in writing.
- ix. Once the Chair has answered the question the person may ask one supplementary question in respect of each answer.. If a person asks more than 1 question then they may ask more than 1 supplementary question but for each must be in respect to a different answer

- x. The Chair has discretion on how representations and/or questions will be handled at the meeting in order to ensure that the business of the meeting, including the representations/questions, is handled in an effective manner. The Chair may take into account any matter when doing so but will consider such issues as the number of representations/questions, the need to consolidate representations or questions dealing with the same subject and, where relevant, the fact the Authority has been addressed recently on similar subjects.

6.3 Recordings of meetings will also be placed on the Authority's website ..

7.0 Confidential or Exempt Information

7.1 Meetings may be held wholly or partly in private where they consider confidential or exempt information. The meeting must resolve to move into private session, and could, when considering exempt information, decide to consider the information in public provided that do to so would not breach the Authority's legal obligations (for example under data protection legislation).

7.2 "Confidential information" is
(a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
(b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

7.3 "Exempt information" is defined within Schedule 12A the Local Government Act 1972 (as amended) and includes, for example, information that tends to identify an individual, or relates to an individual's financial affairs.

7.4 Where confidential information is contained within the agenda for a meeting it will not be published. Where exempt information is contained within an agenda it will not be published unless the meeting resolves to consider the issue in public in which case the Authority will make as much information publicly available as it can without breaching its legal obligations.

7.5 The Chief Fire Officer and/or Clerk will determine whether information is confidential or exempt for the purposes of deciding whether to publish it within an agenda or whether to supply copies to members of the public.

8.0 Behaviour and Conduct

- 8.1 Due to the way in which they are held, virtual and hybrid meetings are more easily disrupted by extraneous noise than physical meetings. To ensure that meetings take place in an orderly manner and that everyone can hear what is being said all participants will be asked to keep their microphone muted until they are called to speak by the chair.
- 8.2 As mentioned above members participating in a meeting by video conference are asked to keep their cameras turned on, unless they need to turn them off to improve signal quality.
- 8.3 The video conference software for meetings includes a “chat” function. If chat is used to make points in a debate or ask questions this can be very distracting for other meeting participants and the comments/questions are not available to anyone physically present at or dialing in to the meeting.
- 8.4 The chat function should therefore be used only:
- 1) where the general assent method of voting is used, to indicate a vote against or an abstention
 - 2) to indicate apologies for arriving late to a meeting or leaving early
- 8.5 The Clerk will nevertheless monitor the chat function and advise the Chair of any comments made in the chat, and whether anyone has used it to indicate a vote against or an abstention on a proposal.
- 8.6 Any person wishing to speak at a meeting must raise their hand to indicate their intention. The Chair will call people to speak in the order of his/her choosing. It is not always easy to see when a person who is participating remotely is physically raising their hand and so the “raise hand” function within the video conference software must be used to indicate a desire to speak. Anyone dialing in to a meeting will need to verbally indicate their wish to speak, preferably without interrupting another speaker to do so.

9.0 Disturbance in Meetings

- 9.1 The Meeting procedure rules for the Authority include provisions that enable the Chair to require that someone is removed from a meeting for causing a disturbance. In the case of a person attending a meeting via video conference this will take the form of them being removed from the meeting. In the case of a person physically in attendance they will be escorted from the meeting room. The chair may also adjourn a meeting in order to allow time for the disturbance to subside.
- 9.2 The Chair has discretion to readmit the person to a meeting if s/he is satisfied the person will cause no further disturbance.

10.0 Notices, agendas, and reports

- 10.1 The Authority must publish the documents below in relation to the meetings covered by this protocol. The documents will be available in both Welsh and English..
- 1) public notice of the meeting (under s.100A(6A) Local Government Act 1972) which must include the following:
 - a. where the meeting or part of the meeting is open to the public and is held through remote means only, the details of the time of the meeting and how to access it;
 - b. where the meeting will be hybrid or physical the details of the time and place of the meeting and how to access it;
 - c. where the meeting will be hybrid or physical the details of the time and place of the meeting and the fact that it is not open to the public;
 - d. where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.
 - 2) Copies of the agenda any report for the meeting, unless the report is likely to be considered when the meeting is not open to the public
 - 3) Any background papers as defined by S100D Local Government Act 1972 unless the Chief Fire Officer or Clerk decides that it is not reasonably practicable to publish a document included in the list electronically, in which case at least one copy of the document must be open to inspection at the offices of the Authority.

- 10.2 Public notice may be given any time but the agenda and reports must be published at least 3 clear days before the meeting at which they will be considered. If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda
- 10.3 A report may be considered at a meeting if it has not been published in accordance with these requirements if, by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 10.4 Where the whole or part of a report is not published because it will be considered when the meeting is not open to the public it must be marked "Not for publication", and it must include the relevant paragraph from Schedule 12A Local Government Act 1972 under which the Authority is likely to exclude the public during the item to which the report relates.
- 10.5 If a meeting is not held by remote means there must be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting for the parts of the meeting that will be held in public . Electronic copies of the agenda and reports which will be considered in public will be sent to any newspaper on request.

11.0 Records of Decision and Minutes

- 11.1 After a meeting to which this protocol relates the Authority must publish the documents below. The documents will be available in both Welsh and English.
- 1) before the end of seven working days after the meeting, the Authority will publish electronically a note setting out—
 - i. the names of the members who attended the meeting, and any apologies for absence;
 - ii. any declarations of interest;
 - iii. any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.
 - 2) the draft minutes, of the meeting, excluding the minutes of proceedings during which the meeting was not open to the public,
 - 3) a copy of the agenda for the meeting, and

- 4) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

12.0 Training, support and technical assistance

- 12.1 Councillors will be offered training on the use of video conference software and/or how to join meetings by dialling in. Officers will ensure that councillors
- are able to login to a meeting online or use the dial in facility via the telephone
 - are able to use the mute/unmute, chat and raise/lower hand functions
 - consider the background that will be visible when in the meeting
- 12.2 Officers will likewise offer support to members of the public wishing to join a meeting remotely or via telephone.
- 12.3 Once a meeting has begun there is often little time to help resolve difficulties in connecting remotely. For that reason the on line session will start 15 minutes before the meeting itself to allow more scope for assistance. to be provided where necessary. If during the meeting a problem occurs officers will provide support on the use of the video conference software or with dialling in. Technical IT support will not be available during the meeting.

List of Changes to the Fire Authority Constitution

Article	Provision	Proposal
PART 2 ARTICLES OF THE CONSTITUTION		
Article 1.3 (i)	Clear leadership to the community.....	Delete
Article 4.4		Include full list of matters reserved to Full Authority
Article 5.2 (v)	Lead in the development of good working relationships	Amend to “between all Councillors and Councils represented on the Authority”
Article 7.5 (b)	“The MO shall record in a book....”	Delete reference to a physical book
Article 9.7 (i)	Reference to DPA 1998	Update to “data protection legislation”
PART 3 RESPONSIBILITY FOR FUNCTIONS		
Part 3(1) and 3(2)	List of Authority’s Committees refers to Improvement Plan Working Group and diagram of committees refers to “Planning Working Group”	Make the name consistent in both places
Part 3(2)		Add Local Pension Board to the diagram
Part 3(8)		Add section to Chief Fire Officer’s Scheme of Delegation clarifying that the CFO’s role is to make personnel decisions within policies set by the Full Authority Clarify that the CFO’s powers to make temporary appointments to posts at rank of Assistant Chief Officer and above

Terms of Reference of the Audit Committee Para 12	Quorum "Members are present"	Amend to "participating in the meeting"
Terms of Reference of the Local Pension Board Para 26	Quorum "Members must be present"	Amend to "participating in the meeting"
PART 4 RULES AND PROCEDURE		
Standing order 2(5)	"A printed copy"	Delete word "printed"
Standing order 3(1)	Fire Precautions Act (1971)	Delete reference
Standing order 4(1)	"All annual and ordinary meetings shall be held at CCBC...."	Amend to say the Authority will decide the format for meetings of the Authority
Standing order 9(6)	Inspection of land and premises	Modernise the language and layout to aid comprehension
Standing order 10(2) b	"provided that a copy of such question has been handed to the proper officer..."	Amend to "provided"
Standing order 13(7)	"presented by being left with the proper officer..."	Amend to "by being provided to"
Standing order 15(1)	"present"	Amend to "participating in the meeting"
Standing order 16(1)	"entitled to receive the papers of the Committee...."	Amend to "every person entitled to receive the same"

Standing order 16(2)		Add a requirement to include details of how to attend a meeting based on whether it is virtual or hybrid/physical
Standing order 17 (1)	"The minutes of a meeting"	Add "and the record of decisions" Add "v. The background papers for any report during parts of the meeting that were open to the public" "v1. Copies of such documents will be made available on request following payment of a reasonable fee"
Standing Order 17(2A)	"In relation to the annual meeting of the Authority, the next annual meeting of the Authority shall be the next suitable meeting for the purpose of paragraph (1)" i.e. for approving the minutes.	Delete, so that the minutes of the Annual Meeting are considered at the next Full Authority meeting rather than to the next Annual Meeting
Standing order 19(4)	"the person presiding may require that it shall be put in writing and handed to him/her"	Amend to ""put into writing, or stated clearly by the clerk"
Standing order 21(1)b	"shall leave"	Add "or be excluded"
Standing order 21 (2)	..."the person presiding shall order him/her to leave the room where the meeting is being held"	Delete "the room where the meeting is being held"
Standing order 21(3)	"general disturbance in any part of room where any meeting is being held"	Delete "in any part of room where" replace with "during"

Standing order 21(3)	“the person presiding shall order that part to be cleared and my adjourn”	Delete “shall order that part to be cleared and”
Standing order 22(1)	Except as provided in this standing order the method of voting”shall be by show of hands”	Replace with “shall be determined by the person presiding”
Standing order 23`	“every member attending a meeting shall sign his/her name....”	Delete entirely
Standing order 24(1)	“Any such declaration shall be recorded in the minutes of the meeting”	Add “record of decision and the “
Standing order 24(2)	“the member shall withdraw from the room in which the meeting is being held”	Replace with “withdraw from the meeting”
Standing order 24(3)	“shall withdraw from the room in which the meeting is being held”	Replace with “withdraw from the meeting”
Standing order 25(3)	“The proper officer shall record, in a book to be kept for the purpose,....”	Delete “in a book to be kept for the purpose,....”
Standing order 25(3)	“The book shall, during ordinary office hours of the Authority, be open to inspection”	Replace “the book” with “the record”
Access to Information Procedure Rules Rights to Attend Meetings	“the public may attend all meetings”	Replace with “members of the public may view any part of the meeting which is open to the public, subject only to the exceptions in these rules. Viewing may take the form of physical attendance at a meeting that is taking place wholly or partly in person, or it may be by viewing any live webcast or recording of those parts of a meeting which are open to the public”

Access to Information Procedure Rules Access to Minutes After a Meeting	Title	Change to "Access to Reports, Minutes etc. after the meeting"
	"The Authority will make available copies of the following for 6 years after a meeting "	Add "on its website"
Access to Information Procedure Rules Access to Agenda and Reports Before the Meeting	"The Authority will make copies of the agenda and reports open to the public and available on the Authority's website..."	Replace with "The Authority will make copies of any agenda, report and background papers which are to be considered in public available at its offices and on its website...."

Report to	North Wales Fire and Rescue Authority –
Date	20 December 2021
Lead Officer	Clerk
Contact Officer	Gareth Owens (01745 535286)
Subject	Meeting Dates 2022



PURPOSE OF REPORT

1. To inform Members of the dates for meetings of the full Fire and Rescue Authority, Executive Panel and Audit Committee for 2022.

EXECUTIVE SUMMARY

2. Dates for meetings of the full Fire and Rescue Authority, Executive Panel and Audit Committee for 2022 are as shown in paragraphs 7-11 of this report.

RECOMMENDATION

3. That Members agree the dates for meetings of the Fire and Rescue Authority, Executive Panel and Audit Committee set for the forthcoming year.

BACKGROUND

4. Dates of all meetings until March 2022 were set in November 2020. Suggested dates for June 2022 onwards are set out in this report.

INFORMATION

Fire and Rescue Authority

5. The Standing Order 4(2) of the Authority's Standing Orders says
"Meetings of the Authority shall take place a minimum of four times per year and the annual meeting shall take place no later than June. These meetings will take place in accordance with a schedule of meetings published by the Authority unless otherwise determined by the Chair in consultation with the Clerk and Chief Fire Officer."
6. In terms of location and in view of current information about Covid, meetings will continue to be held virtually and this will be reviewed regularly.

7. Dates for the NWFRA meetings are scheduled as follows:

Monday 14 March 2022
Monday 20 June 2022 (annual meeting)
Monday 17 October 2022
Monday 16 January 2023
Monday 17 April 2023

Executive Panel and Audit Committee meetings

8. As a trial, as of July 2022 onwards, the Executive Panel and Audit Committee meetings will be held on the same day with Audit Committee meeting in the morning and the Executive Panel in the afternoon. Dates are as follows:

Monday 24 January 2022 – **Audit Committee, 9.30am**
Monday 14 February 2022 – **Executive Panel, 9.30am**

From July 2022 onwards, Audit Committee will be held at 9.30am and the Executive Panel at 2pm on the same day

Friday 29 July 2022
Monday 19 September 2022
Monday 12 December 2022
Monday 20 March 2023

IMPLICATIONS

Wellbeing Objectives	Not considered relevant
Budget	Not considered relevant
Legal	Meetings are held in accordance with the NWFRA's Standing Orders and relevant terms of reference Members are expected to abide by their code of conduct at all times
Staffing	Not considered relevant
Equalities/Human Rights/ Welsh Language	All meetings of the Fire and Rescue Authority are equalities compliant
Risks	Not considered relevant