



CIVIL NUCLEAR POLICE AUTHORITY

BOARD MEETING

Terms of Reference

1. PURPOSE

The Civil Nuclear Police Authority ('the Authority') is required under section 52(1) of the Energy Act 2004 to secure the maintenance of an efficient and effective Civil Nuclear Constabulary and to discharge the duties and responsibilities of arrangements provided for in the BEIS/CNPA MoU and Framework (laid out below).

Members of the Board ('Members'), including the Chairing Member of the Board ('the Chair') are appointed by Ministers.

The Board will consist of a minimum of seven (7) Members and a maximum of thirteen (13).

The Chair may elect a Deputy Chair in his/her absence. The Deputy Chair will assume all the powers and duties of the Chair during that time.

The Chief Constable/Chief Executive/Accountable Officer, supported by the Director, Governance, Compliance and Legal Services, will be the lead executive officer for the Board.

All Executive Directors of the Civil Nuclear Constabulary ('the CNC') have a standing invitation to attend Board meetings as appropriate.

Members will be bound by the Authority's Code of Conduct, including the commitment to secure Best Value, efficiency and effectiveness, and promote equality of opportunity and the values of the organisation.

The Board will be provided with a secretariat function by the Director, Governance, Compliance and Legal Services.

2. SPECIFIC RESPONSIBILITIES

The Authority is specifically responsible for:

1. Determining how to Discharge its Responsibilities:

1.1. Part 2, Schedule 10 to the Act empowers the Authority to regulate its proceedings through the setting up and regulation of Committees. Except as specified below, the Authority has chosen to discharge its responsibilities primarily through the following committees:

- Senior Appointments Committee (SAC),
- People Committee (PC) and;
- Audit, Risk and Finance Committee (ARFC)

1.2. The Terms of Reference and membership of these Committees are subject to annual review by the Authority. The membership may be changed and the delegation of functions may be varied or withdrawn by the Authority at any time.

1.3. The Authority will remain accountable for any matters it delegates to Committees and may disagree with, and override decisions of, any Committee, should there be justifiable reason to do so.

2. Appointing the Chief Constable/Chief Executive/Accountable Officer, Capability Director/Deputy Chief Constable and an Operations Director/Assistant Chief Constable, is subject to the approval of the Secretary of State and;

Appointing the CNC's Corporate Services Director, Director of People and Organisational Development, Director of Governance, Compliance and Legal Services and any other appointments to the Senior Executive Team¹ and the.

2.1. This responsibility cannot be delegated.

2.2. The Senior Appointments Committee will oversee and conduct the recruitment process and will make recommendations to the Authority as to the most suitable appointments to these posts.

3. Accounting for the Operational and Managerial Performance of the Civil Nuclear Constabulary to the Secretary of State and to the Public.

3.1. This responsibility is not delegated.

4. Employing Members of the CNC and other Employees of the Authority.²

4.1 Insofar as this role is discharged by providing for the government, administration and conditions of service of the CNC, it is delegated to the Constabulary, with oversight by the People Committee and Authority as appropriate.³

4.2 Matters relating to strategic Human Resource issues, responding to people priorities and ensuring that the CNC has the capability to deliver and plans to meet current and future requirements are delegated to the People Committee for consideration and recommendation to the Authority.

4.3 In consultation with the Chair of the Authority, matters relating to the management, remuneration and development of the Chief Constable/Chief Executive/Accountable Officer, are delegated to the SAC for consideration and recommendation to the Authority.

4.4 Having first consulted with the Chief Constable/Chief Executive/Accountable Officer, and considered his/her recommendations, matters relating to the management, remuneration and development of the following roles are delegated to the SAC for consideration and recommendation to the Authority:

- Capability Director/Deputy Chief Constable
- Operations Director/Assistant Chief Constable
- Corporate Services Director
- Director of People and Organisational Development
- Any other appointments to the Senior Executive Team
- The post of Director of Governance, Compliance and Legal Services for the CNPA.

¹ The Senior Executive Team currently comprises the Chief Executive Officer / Chief Constable, the Capability Director, the Operations Director, the Corporate Services Director and the Director of People and Organisational Development.

² The day-to-day management of CNC staff, both officers of the CNC (other than the Chief Executive Officer / Chief Constable) and CNPA employees under regular direction of the CNC, is a matter for the Constabulary. The day-to-day management of CNPA employees under regular direction of the Authority remains a matter for the Authority.

³ Subject to maintaining appropriate relationships with national police terms and conditions, and to Treasury approval.

- 4.5 The following matters in relation to these posts are specifically reserved to the Authority (on the advice of SAC as appropriate):
- 4.5.1 Remuneration policies, pay scales, bonus ranges and rates of pay.
 - 4.5.2 The creation, renewal or extension of any fixed term appointments.
 - 4.5.3 Any decision to be taken under Schedule 11 to the Act or generally concerning the removal and/or suspension of the holders of these posts.
- 5. Discharging the Financial Duties laid down by the Secretary of State and in Part 4, Schedule 10 to the Energy Act 2004.**
- 5.1. These responsibilities are not delegated.
 - 5.2. The Audit, Risk and Finance Committee (ARFC) will oversee and recommend to the Authority in respect of:
 - 5.2.1 The annual business plan and budget
 - 5.2.2 The annual report and accounts, and
 - 5.2.3 Financial commitments in excess of the Chief Constable's delegated authority.
- 6. Determining the Objectives for Policing by the CNC in each coming year; issuing the relevant Annual Policing Plan; and issuing the accompanying Three-Year Strategy and Plan as required by paragraphs 1 to 3, Part 1, Schedule 12 to the Energy Act 2004.**
- 6.1. This function is delegated to the Constabulary, except where specific requirements of the Secretary of State may make such reporting a direct responsibility of the Authority.
- 7. Receiving, Issuing and Submitting Reports Annually in accordance with and on such other occasions as required by Part 2, Schedule 12 to the Energy Act 2004.**
- 7.1. This function is delegated to the Constabulary, except where specific requirements of the Secretary of State may make such reporting a direct responsibility of the Authority.
- 8. Setting the Strategy, Policy, Resource and Performance Framework for the CNC, and holding the Chief Constable/Chief Executive/Accountable Officer, to account for the efficiency and effectiveness of the CNC.**
- 8.1. This responsibility is not delegated.
- 9. Ensuring wide Stakeholder Engagement in the work of the CNPA and the CNC and the effective management of relationships with key strategic stakeholders and the public.**
- 9.1. This responsibility is not delegated.
- 10. Monitoring the overall Performance of the CNC against the agreed Strategies and Plans and agreeing remedial action as necessary, including:**
- 10.1 Receiving, issuing and submitting reports annually in accordance with, and on such other, occasions as required by Part 2, Schedule 12 to the Energy Act 2004;
 - 10.2 Approving major management or operational policy changes;

- 10.3 Holding the Chief Executive/Chief Constable to account for the efficiency and effectiveness with which the CNC discharges its responsibilities;
 - 10.4 Reviewing significant strategic and significant operational risks reported by the Finance, Audit and Risk Committee and agreeing appropriate mitigating actions.
- 11. Reviewing and Approving arrangements for the governance, administration and conditions of service of the CNC.**
 - 12. Determining the overall culture and values of the Authority and CNC, in liaison with the Chief Executive/Chief Constable, and the behaviours and standards required of its members and employees.**
 - 13. Ensuring that the Authority and CNC remain compliant with all applicable legislation.**
 - 14. Overseeing the Health, Safety and Welfare of the members and employees.**

3. CHAIR'S RESPONSIBILITIES

The Chair of the Authority is appointed by the Secretary of State and in the role, will:

- Preside over each Authority meeting.
- Ensure that the business of the Authority is dealt with efficiently, effectively and that all persons receive a fair hearing and comply with the principles of good practice governance and transparency.
- Lead the meeting to ensure appropriate and informed decisions and judgments are made.
- Be available to any Member wishing to consult on any matter within the Authority's remit.
- Convene a meeting of the Authority as required or, if so, requested by the Chief Constable/Chief Executive/Accountable Officer, by any Member of the Authority if deemed necessary including an emergency meeting.
- Where a matter needs to be resolved before the next Authority meeting, the Chair may on behalf of the Authority, and in consultation with the Chief Constable/Chief Executive/Accountable Officer, and Director of Governance, Compliance and Legal Services, may authorize such action as is required, The Chair shall report on such action taken at the next Authority meeting, if not sooner in correspondence.
- The Chair may direct the signing of deeds, notices, warrants, contracts or other documents on behalf of the Authority and shall report on such action taken at the next Authority meeting, if not sooner in correspondence.
- Determine an appropriate course of action with any Member who declares a potential or actual conflict of interest.

4. MEETINGS

The Authority will meet bi-monthly and will meet at least six times per year.

Meetings of the Authority will consist of all Members of the Authority. The CNPA will quorate if five (5) members including the Chair are present. Members may not send Deputies or Representatives to Authority meetings. An Authority Member may join the meeting by audio or video conferencing where such facilities are available although fact-to-face representation is preferred where possible.

The Authority may invite representatives from CNC and/or other individuals, bodies, or organizations to attend meetings and/or provide information in advance of meetings about particular issues.

A representative of the Secretary of State and a representative of the Regulator may be invited by the Chair, with the agreement of the Authority, to attend as appropriate in relation to specific items on the agenda.

The Director of Governance, Compliance and Legal Services will normally attend Authority meetings. The Chair may invite other internal or external advisers to attend for specific agenda items.

5. ADMINISTRATION

The Director of Governance, Compliance and Legal Services will nominate the Secretariat of the Authority.

The Chair will set the Agenda with support from the Director, Governance, Compliance and Legal Services and/or Chief Constable/Chief Executive/Accountable Officer, as appropriate.

Prior to each Authority Meeting, an Agenda Planning Meeting will be held with the Chair, Chief Constable/Chief Executive/Accountable Officer, and Director of Governance, Compliance and Legal Services with appropriate secretariat support,

Prior to a new financial year, the Chair, Chief Constable/Chief Executive/Accountable Officer, and Director of Governance, Compliance and Legal Services will develop an annual programme of work for the Authority including a Corporate Calendar for Authority meeting dates for the year ahead and which should synchronise with the delivery of the Authority's strategic plan and business plan.

Agenda Items and Papers will be circulated electronically five (5) working days in advance of a meeting.

The usual timescales for papers for an emergency meeting need not apply. Any decision taken at an emergency meeting of the Authority must be reported at the next scheduled Authority Meeting.

Papers may be taken for Decision out-of-committee with the approval of the Chair but reported to the next meeting.

Formal Minutes of the Authority meeting will be written in DRAFT and submitted to the Members to review and comment no later than ten (10) working days from the meeting.

Actions from the Committee meeting will be written in DRAFT and submitted to the Committee Members to review and comment no later than ten (10) working days from the meeting.

A Decision Log will be established, maintained, updated and issued at every Authority meeting as a reference.

6. VOTING/DECISION MAKING

The Authority will normally adopt a consensus approach to decision making.

If all Members cannot achieve consensus then any Member may ask for a vote to be taken. In such cases the majority of Members voting in favour will determine the decision. Where the vote is split and insufficient members are present to achieve the required level of votes, the deciding vote will be with the Chair of the Authority.

As specified in the BEIS/CNPA MoU and Framework, only Members of the Authority are entitled to vote.

9. APPROVAL OF TERMS OF REFERENCE AND DATE OF NEXT REVIEW

The Authority Terms of Reference were approved by:

.....
Chair
On behalf of Civil Nuclear Police Authority (Board)

on

.....
The Terms of Reference will be reviewed and re-submitted to the Civil Nuclear Police Authority for Approval 12 months/1 year of this date.