

Appendix 1

Various proposed changes to the Constitution relating to Pensions matters

Part 2, Article 8 Non-Executive Committees

The PB is erroneously listed as a non-executive committee of the council. It is proposed that the reference to the PB be deleted.

It is also proposed to make the following change to the reference to the membership of the PC.

Pension Committee	8 Members + <u>13</u> voting co-optee and <u>12</u> non-voting co-optees
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Part 2, Article 11 Joint Committees – Schedule 1

The reference to the London CIV needs to be updated as follows:

The Pensions Collective Investment Vehicle (CIV) – London CIV Sectoral Joint Committee

~~Hosted by London Councils, the joint committee is established under section 102 of the Local Government Act 1972 with a view to pooling pension investments and with functions necessary for the proper functioning of the Authorised Contractual Scheme (ACS) Operator (which is the company that would manage the ACS), including the effective oversight of the ACS Operator.~~

The Pension Fund makes some investments through the London LGPS CIV Limited (London CIV) which is authorised and regulated by the Financial Conduct Authority (FCA). The London CIV manages London Local Government Pension Scheme (LGPS) assets. It is one of a number of UK LGPS asset pooling companies. The London Boroughs and City of London are the shareholders. The governance structure includes Shareholder General Meetings and a Shareholder Committee, comprising Leaders and Treasurers of twelve of the London Boroughs, and a Board made up of executive and non-executive directors all of whom must meet FCA fitness to serve requirements.

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Part 3, Responsibility for Functions

Once again, at 2.9 the PB is erroneously listed as a non-executive committee of the council. It is proposed that the reference to the PB be deleted.

At 2.10, it is proposed that the reference to the membership of the PC is updated and that the additional information be deleted to avoid unnecessary duplication.

2.10 Pension Committee (Membership 8, plus 1 Staff ~~s~~Side ~~non~~-voting co-opted member nominated by the unions, 1 Non-Council Employer side voting co-opted member nominated by the other Pension Fund employers and 2 Pensioner ~~s~~Side co-opted ~~m~~Members (1 voting co-opted member and one non- voting co-opted member) appointed following an election by ballot of Pension Fund pensioners. The Staff side Pensioners' side co-opted member is are appointed on an annual basis

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~~following consultation with the Staff side and Pensioners of the Pension Fund. The non-Council Employer side co-opted member is appointed normally for a term of four years. The Pensioners' side co-opted members are appointed in keeping with the outcome of an election by ballot of Pensioners of the Fund, normally for a term of four years. Terms of Reference are set out at Part 4N. Functions of the Pensions Committee are:-~~

- ~~-~~
- ~~2.10.1 To ensure that the Fund is properly operated in accordance with the Local Government Pensions Scheme Regulations ("the Regulations") all other relevant legislation and best practice as advised by the Pensions Regulator, including financial, governance and administrative matters.-~~
- ~~-~~
- ~~2.10.2 To adopt Fund specific policies concerning the administration of the Fund, investing of Fund monies and the management of the Fund's solvency level. In addition, the Committee is responsible for compliance with all financial and regulatory requirements of the Fund.-~~
- ~~-~~
- ~~2.10.3 To discharge its fiduciary responsibility in the best interest of the Fund, in particular:-~~
 - ~~a. To set the investment policy and review the performance of the Fund's investment managers, pooling operators, scheme administration, and external advisors;-~~
 - ~~b. To make arrangements for the triennial actuarial valuation;-~~
 - ~~c. To determine the Pension Administration Strategy;-~~
 - ~~d. To approve and monitor compliance of statutory statements and policies required under the Regulations;-~~
 - ~~e. To approve the Fund's Statements of Accounts and annual report;-~~
 - ~~f. To ensure that the Council discharges its obligation, as administrating authority for the local government pension scheme, to other scheme employers;-~~
 - ~~g. To make representations to government as appropriate concerning any proposed changes to the Local Government Pension Scheme; and-~~
 - ~~h. To keep these terms of reference under review.-~~

Part 6D – Scheme of Co-option

The Council's Scheme of Co-option states that it applies to "all Co-opted Members" and that "The scheme covers the co-option of voting and non-voting co-opted Members onto current Committees as detailed in sections 2-10 below". At section 7 reference is made to "the Pensions Board Members".

Once again, this appears to represent the PB as a committee of the council and PB members as co-optees. Part 4M of the Constitution (as per **Appendix 2**) regulates the conduct of members of the PB by, among other things, applying the Members' Conduct of Conduct save for the provisions relating to interests, gifts and hospitality and complaints handling.

There are other aspects of the Scheme of Co-option which clash or overlap with Part 4M and it is proposed that section 7 relating to the PB be deleted.

The Scheme of Co-option also has a section on the PC. It is proposed that paragraphs 8.2 and 8.3 be updated to reflect the proposed change in the membership of the PC as follows:

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8.1 The Pensions committee includes 1 Staff ~~s~~Side ~~non~~-voting co-opted member nominated by the unions, 1 Non-Council Employer side voting co-opted member nominated by the other Pension Fund employers -and 2 Pensioner ~~s~~Side co-opted ~~m~~Members (~~one~~⁴ of whom is a voting co-opted member and one of whom is a non-voting co-opted member) appointed following an election by ballot of Pension Fund pensioners.

8.2 The Staff side co-opted and Pensioners' side member is ~~is~~ ~~are~~ appointed on an annual basis. The non-Council Employer side co-opted member is appointed normally for a term of four years, following consultation with the Staff side and Pensioners of the Pension Fund.

The Pensioner side co-opted members are appointed normally for a term of four years.

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