

**Report of the Head of Legal, Democratic Services and Business  
Intelligence and Monitoring Officer**

**Pension Fund Committee – 13 July 2017**

**LOCAL PENSION BOARD MEMBERS' ATTENDANCE  
AT PENSION FUND COMMITTEE**

Purpose: To inform Committee members regarding future arrangements for attendance of Pension Board members at Pensions Committee.

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Finance Officer: Jeff Dong

Legal Officer: Stephanie Williams

Access to Services Officer: N/A

**FOR INFORMATION**

**1. Background**

1.1 The Pensions Board was established in Swansea Council on the 3<sup>rd</sup> March 2015 under the Local Government Pension Scheme Regulations 106 (1). The Board has its own Terms of Reference and operates independently of the Pension Fund Committee. The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme, and includes assisting in the development and monitoring of process improvements at the request of the Committee. The role of the Board should be interpreted as covering all aspects of governance and administration of the LGPS including funding and investments.

1.2 The Board consists of 3 Member representatives and 3 Employer Representatives, and the Chair is selected on a rotating basis.

**2. Relationship with Pensions Committee**

2.1 The role of the Local Pension Board is to 'assist' the Administering Authority. The Local Pension Board does not replace the Administering Authority as scheme manager or make decisions which are the responsibility of the Administering Authority in that role and have been properly delegated to a Pension Committee or officer.

2.2 The Local Government Pensions Scheme Advisory Board has advised in Guidance that to ensure that the Local Pension Board can effectively undertake its role it would be expected that all

papers considered by the Pension Committee (including papers that were considered confidential) are made available to the Local Pension Board. If, in exceptional circumstances, the Administering Authority considered this was not possible then the Local Pension Board should be fully informed as to the reason why that decision was taken.

### **3. Attendance at Pensions Committee**

3.1 Currently Pension Boards members are not able to attend full meetings of the Pensions Committee and must leave when any exempted items are discussed similar to members of the public.

3.2 A letter was received by the previous Chair of the Pensions Committee Clir. Stewart, from the Chair of the Pensions Board Clir. Alan Lockyear. This formally requests attendance of a Pension Board representative at the Pensions Committee for the full agenda part one and two which includes exempted items. The letter states this is to comply with their Statutory duties and the representative would report back to the full Pensions Board.

3.3 Research shows that in Wales 5 Pensions Committees don't allow full attendance of Pensions Board members and 3 allow attendance.

3.4 Advice was given by the Head of Legal and Monitoring Officer and the previous Director of Resources in response to this letter. The advice is that Pension Board Members can have access to the confidential papers at the same time they are published for the Pensions Committee, and that the Chair or Vice Chair can attend the Committee meeting and stay for exempt reports. However there may be exceptional cases where they will be asked to leave and this will be explained to them.

3.4 The Pensions Board members would also be required to sign a confidentiality undertaking in relation to attendance at Pensions Committee for exempt items and access to exempt reports.

3.5 The Committee should therefore note the advice that the Pension Board Chair or Vice Chair can have access to confidential papers and stay for the whole Committee meeting; however there may be exceptional cases where they will be asked to leave and this will be explained to them.

### **4. Equality and Engagement Implications**

4.1 None

### **5. Legal Implications**

5.1 The legal implications are outlined in the report.

## **6. Financial Implications**

6.1 There are no financial implications.

### **FOR INFORMATION**

**Background papers:** - LGPS Advisory Board Guidance

**Appendices:** None