



Report of the Section 151 Officer

Local Pension Board – 28 March 2019

LGPS Administering Authority Discretions

Purpose:	To note the approved discretions available to the City & County of Swansea Administering Authority under the relevant Local Government Pension Scheme Regulations.
Consultation:	Legal, Finance and Access to Services.
Recommendation(s):	It is recommended that: 1) The updated LGPS Administering Authority Discretions for the City & County of Swansea Pension Fund attached at Appendix A be approved.
Report Author:	Jeffrey Dong
Finance Officer:	Jeffrey Dong
Legal Officer:	S Williams
Access to Services Officer:	R Millar
For Information	

1.0 Introduction

- 1.1 The LGPS regulations require the City & County of Swansea, as Administering Authority of the City and County of Swansea Local Government Pension Scheme (LGPS) to formulate, publish and keep under review areas of the Scheme where it may exercise its discretion.

Discretions were previously approved at the Pension Fund Committee of July 2014; however, require review as a result of the implementation of subsequent amendments.

2.0 Administering Authority Discretions

- 2.1 The Council, as Administering Authority, can exercise discretions contained in the Local Government Pension Scheme Regulations 1995; Local Government Pension Scheme Regulations 1997; the Local Government Pension Scheme (Transitional Provisions) Regulations 1997; the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; the Local Government Pensions Scheme (Administration) Regulations 2008; the Local Government Pension Scheme (Transitional Provisions) Regulations 2008; the Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
- 2.2 A list of all the discretions that the Administering Authority exercises, or chooses not to exercise is shown at Appendix A, those that are new or have been reviewed as a result of the implementation of revisions and are emboldened for ease of reference.
- 2.3 These broadly cover how the risk to the fund is managed in certain situations.

3.0 Publication

- 3.1 Not all discretions need to be published; however, it is the intention, for reasons of transparency, to publish the decisions taken in relation to all the available discretions.

If approved, the discretions will be published on the Pension Fund's website and will be circulated to Employer's participating in the Fund.

- 3.2 Whilst the list of discretions sets out the general position, the Council must consider every application on its merit. Where there are extraordinary or justifiable circumstances, a departure from that listed may be appropriate.
- 3.3 The Regulations also require the Employers, who participate in the Local Government Pension Scheme (LGPS) to formulate, publish and keep under review areas of the Scheme where they may exercise their discretion and the Pension Section is actively working with Employers to ensure compliance.

4.0 Equality and Engagement Implications

- 4.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above. An equality impact assessment screening has been undertaken and it concludes that there are no equality impact implications arising from this report. The discretions must ensure that they do not discriminate against those affected.

5.0 Financial Implications

- 5.1 The financial implications of exercising each discretion are considered at time of exercising.

6.0 Legal Implications

- 6.1 Under the LGPS Regulations, the Council, as Administering Authority is required to formulate and keep under review the policies that apply in respect of exercising the discretions referred to in this report.

The Council must publish written statements of the policies and if the Council decides to make any amendments, a statement of the amended policy must be published within one month of the determination.

Background Papers: None

Appendices:

Appendix A – LGPS Administering Authority Discretions