

Report for: Pensions Committee and Board – 21 January 2021

Title: Proposed Amendments to the Constitution (Part Three, Responsibility for Functions)

Report authorised by: John Jones, Interim Monitoring Officer

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Ward(s) affected: Not applicable

**Report for Key/
Non-Key Decision:** Non-Key Decision

1. Describe the issue under consideration

- 1.1 The Council constitution governs the organisation of Council decision making. It is kept under review and, when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to Full Council, in accordance with Article 14.03 (Changes to the Constitution).
- 1.2 This report seeks approval to amend the wording in relation to employer representatives of the Pensions Committee and Board to bring it in line with Pensions Regulations. If this proposal is agreed by the Standards Committee, it will be recommended to Full Council. The proposal is also being presented to the Pensions Committee and Board and any comments made will be reported to the Standards Committee meeting on 25 January 2021.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Pensions Committee and Board is asked:

- 3.1 To note the proposed amendment of the wording in relation to employer representatives of the Pensions Committee and Board to bring it in line with Pensions Regulations.
- 3.2 To comment on the proposals.

4. Reasons for decision

To ensure that the Council constitution is accurate and includes all of the necessary information.

5. Alternative options considered

To not agree the changes to the Council constitution and/ or defer consideration. This option is not recommended as it would delay the implementation of an accurate and complete constitution.

6. Background information

- 6.1 The Pensions Committee and Board consists of six councillor members, two employer representatives, and two employee representatives. The employer and employee representatives are co-opted members who serve for a period of four years and are eligible for re-appointment.
- 6.2 The two employer representatives are nominated by employers other than the Council. It has proved difficult to fill all of the employer representative positions and one position has been vacant for a number of years.
- 6.3 The Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 (the Pensions Regulations) state that an employer representative must have 'the capacity to represent employers'. However, the requirements in the Council constitution are worded more narrowly and state that employer representatives must be 'from scheduled and admitted employers'.
- 6.4 It is proposed that the wording in the Council constitution is amended so that it replicates the wording from the Pensions Regulations. The proposed amendment would change the wording as follows (additions in bold text, deletions in strikethrough text): 'Two representatives ~~from~~ **who have the capacity to represent** scheduled and admitted employers'.
- 6.5 The amended wording would provide consistency with the Pensions Regulations but would also provide a wider pool of potential employer representatives and it is hoped that this would assist in filling the employer representative vacancy.
- 6.6 The proposals will be presented to the Pensions Committee and Board meeting on 21 January 2021. Any comments made by the Pensions Committee and Board will be presented verbally at the Standards Committee meeting on 25 January 2021.

7. Contribution to strategic outcomes

The Council's constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its strategic outcomes.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

8.1 There are no financial implications arising from this report.

Legal

8.2 The proposed changes to the Council constitution were taken forward with Legal Service assistance.

Equality

8.3 There are no equality matters in this report.

9. Use of Appendices

Not applicable.

10. Local Government (Access to Information) Act 1985

The Council Constitution which can be found at:

<http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>.