

**Report for:** Standards Committee

**Title:** Appointment of the Vice Chair of Pensions Committee and Board

**Report authorised by:** Fiona Alderman – Assistant Director for Legal and Governance

**Lead Officer:** Ayshe Simsek - Democratic Services and Scrutiny Manager

**Ward(s) affected:** N/A

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

**1. Describe the issue under consideration.**

- 1.1 To regularise the appointment of the Vice Chair of the Pensions Committee and Board.
- 1.2 Since the formal establishment of the Pensions Committee and Board in July 2016, it has been the practice for the Vice Chair role to be appointed at the Annual Council meeting which is in keeping with the practice for other non-executive Committees.
- 1.3 The terms of reference of the Pensions Committee and Board indicated that the Vice Chair should be appointed by the Pensions Committee and Board at their first meeting of the municipal year, but this rule does not seem to have been taken forward since the establishment of the Board and Committee.
- 1.4 Further to analysis of past Pensions Committee agenda and minutes and consideration of the legislation which enabled Pensions Committee and Board to be established as a body in 2016, there did not seem to be a legal reason for the Vice Chair to be appointed by the Committee and Board and the Annual Council meeting continued in 2025/26 to appoint the Vice Chair with explicit confirmation at the first meeting of the Pensions Committee and Board of this appointment. This was to allow a further consideration of the terms of the reference of the Pensions Committee and Board by the Constitution Working Group and changes to be made on this aspect, if considered appropriate.
- 1.5 Subsequently, there has been consideration of the terms of reference of the Pensions Committee and Board by the Constitution Working Group on the 25<sup>th</sup> of June and the research completed on this issue set out above which is set out at section 6 of this report. This has led to a recommendation by the Constitution Working Group to delete the reference in the Pensions Committee and Board terms of reference relating to the appointment of the Vice Chair

being appointed by the Committee and Board and for this appointment to continue to be made at Annual Council as the current practice.

## **2. Cabinet Member Introduction**

N/A

## **3. Recommendations**

**The Standards Committee is asked to recommend to Full Council:**

- 3.1 The deletion of the provision for appointment of the Vice Chair by the Pensions Committee and Board set out at Appendix 2 and for the reasons set out at paragraph 6.11.
- 3.3 To approve the updated terms of reference for Pensions Committee and Board for publication as outlined at Appendix 3.

## **4. Reasons for decision**

- 4.1 To regularise this Vice Chair appointment process and keep to current practice.

## **5. Alternative options considered.**

- 5.1 To not change the Pensions Committee and Board which will lead to further queries and need for clarifications.

## **6. Background information**

- 6.1 Between May 2011 and June 2014, the Pensions function was previously under the remit of Corporate Committee, a non-executive Committee which had many functions including staffing, Treasury Management and Elections. There was then a Pensions Committee established in June 2014 which continued as a Committee of the Council until 11 July 2016.
- 6.2 The Pensions Committee between 2014 and 2015 considered The Public Service Pensions Act 2013 together with the LGPS Regulations 2013 (As amended) which put forward significantly revised, extended and enhanced Governance arrangements for the LGPS. These revisions, at the time, were to come into full effect from April 2015 and have been implemented in 2016.
- 6.3 Under the Public Service Pensions Act 2013 and the LGPS Regulations 2013 (As amended) the decision-making body of an LGPS Fund was the Scheme Manager which in the LGPS was known as the “Administering Authority.” The role of the Administering Authority was usually exercised by a “Pensions Committee” which reported direct to the Council as Pensions cannot be an Executive Function under the Local Authority (Functions and Responsibilities)

(England) Regulations 2000 (As amended). Under the Public Service Pensions Act 2013 and the LGPS Regulations 2013 (As amended) there was a requirement for the establishment of a separate Local Pensions Board whose role was “assisting” the Pensions Committee. The voting membership of a separate Local Pensions Board had an equal number (not less than 4 in total) of Employer and Employee Representatives. The role of the Local Pension Board as defined under Regulation 106(1) of the LGPS Regulations 2013 (As amended) is “assisting” the Administering Authority (Pensions Committee)(a) to secure compliance with— (i) these Regulations, (ii) any other legislation relating to the governance and administration of the Scheme and any connected scheme, and (iii) any requirements imposed by the Pensions Regulator in relation to the Scheme and any connected scheme; and (b) to ensure the effective and efficient governance and administration of the Scheme and any connected scheme.

- 6.4 There was however a provision under Regulation 106(2) of the LGPS Regulations 2013 (As amended) for the Pensions Committee and Pension Board to be a single body. The former Pensions Committee considered the above options between 2014 to 2015 on how the governance of the Fund might be amended in response to changes arising from the Public Service Pensions Act 2013 and came to the view that, in the case of the Haringey Fund, a combined Pensions Committee and Board would be preferable to continuing with the existing Pensions Committee and establishing a separate Pensions Board.
- 6.5 The Council made an application to the Secretary of State for Communities and Local Government seeking approval for a combined Pensions Committee and Board. Following correspondence between the Council and the DCLG the Council’s application was personally approved on 6 January 2016. The Committee continued to consider draft terms of references for the combined Pensions Committee and Board with the aim of ensuring that the governance and training and experience of Board members was as robust as possible. It is noted that from considering the discussions at the Pensions Committee meetings on the draft terms of reference, that there was not a proposed provision for the Vice Chair to be appointed by the Combined Committee and Board and the minutes of the meetings did not indicate this as a proposal.
- 6.6 The terms of reference attached at Appendix 1 of Combined Pensions Committee and Board indicate that there are 6 Council elected members and 4 non-Councillor voting co-optees who will receive up to £616 per municipal year for participating in Pensions Committee and Board meetings. The Vice Chair role must also be a Council elected member.
- 6.7 It is noted that Regulation 107(4) only has specific requirements as to membership where the Committee and Board are combined. It says that while the Council may appoint councillors to the combined Committee and Board in the usual way, employer and employee representatives have specific rules relating to appointment, namely that there must be no less than 4 members of the Committee divided equally between employer and employee members. Their appointments will only be noted by the Council, but the administering authority must be satisfied that those persons have the capacity to represent members/employees as appropriate.

- 6.8 As employer and employee representatives will be non-councillor members of the combined Committee and Board can vote, by virtue of section 27 of the Localism Act 2011 are treated as co-opted members. The effect of this meant that the Council's Code of Conduct will apply to the employer and employee representatives, and they complete a register of interest form in respect of their interests.
- 6.9 The principle of political balance of council committees set out in section 15 of the Local Government and Housing Act 1989 will apply to the combined Committee and Board. However, provision has been made in section 15 that where the principles on political balance apply, that any seats which are to be filled by the appointment of non-councillors are to be disregarded for the purposes of political proportionality. This would support the appointment of the Vice Chair being a councillor member and indicates that the Vice Chair role would not be taken forward by a non – councillor member.
- 6.10 The minutes of the Pensions Committee indicated that Haringey was one of two authorities in the country taking forward this model. The other local authority was Hampshire County Council, and the terms of reference are attached. These had been reviewed and also do not include provision for the Vice Chair to be appointed by the Pensions Committee and Board.
- 6.11 The Constitution Working Group considered the above background information at their meeting on the 25<sup>th</sup> of June 2025 and gave key consideration to the following:
- That the vice chair of the Committee had to be a member of the Council.
  - That there was no reasoning in previous minutes or reports for Pensions Committee for the Vice Chair to be appointed by the Committee and Board.
  - That there was no mention in the legislation that the Vice Chair had to be appointed by the Pensions Committee and Board.
  - That Hampshire County Council which has a Combined Pensions Committee and Board, also does not have this provision in their terms of reference or Constitution.
  - Contact with the former Director of Finance who had led and facilitated the compilation of this Combined Pensions Committee and Board model in 2014/15 had no recollection of a requirement for this body to have a Vice Chair appointed by the Committee and Board rather than by Annual Council.
  - That this issue had been previously raised in 2019 and 2020 and needed to be resolved.
- 6.12 Taking account the above, the Constitution Working Group continued to agree that the appointment of the Vice Chair for the Pensions Committee and Board should continue to be appointed at Annual Council in keeping with the practice of other non-executive committees and recommended the terms of reference for Pensions Committee and Board be amended to reflect this.

## **7. Contribution to strategic outcomes**

- 7.1 Having a robust and up to date Constitution is important to maintain the integrity of decision-making processes of the Council.

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

### **8.1 Finance**

Democratic Services and Scrutiny Team support the Pensions Committee and Board and there are no SRA's assigned to the Vice Chair role of the Pensions Committee and Board.

### **8.2 Head of Legal and Governance Comments**

Legal implications are contained within the body of this report.

### **Procurement Comments**

- 8.10 None

### **8.11 Equality**

There are no equalities considerations as this is this procedural issue.

## **9. Use of Appendices**

Appendix 1 Current Terms of Reference Pensions Committee and Board  
Appendix 2 Track Changes Terms of Reference Pensions Committee and Board  
Appendix 3 - Updated version of Terms of Reference Pensions Committee and Board for publication  
Appendix 4 Hampshire County Council Terms of Reference for Combined Pensions Committee and Board

## **10. Local Government (Access to Information) Act 1985**

Haringey Council Constitution  
Hampshire County Council proportionality report  
2015 No. 57 Public Service Pensions, England and Wales  
The Local Government Pension Scheme (Amendment) (Governance) Regulations 2015