

LGPS Central Joint Committee Meeting

Friday 21st June 2019

Joint Committee Terms of Reference

Report of the Joint Committee Clerk

1. Purpose of the report

This report asks the Committee to endorse its Terms of Reference and also to agree a protocol for dealing with public questions at future meetings.

2. Background

The Joint Committee's current Terms of Reference (attached at Appendix 1) were originally adopted in March 2018. They provide for review on an annual basis, to ensure that they remain fit for purpose as the partnership between the eight LGPS Central pool funds develops, and in the light of shared experience.

The Joint Committee has met on two occasions since the LGPS Central pool was formally launched on 1st April 2018.

3. Content

Whilst considerable progress has been made over the last twelve months, the LGPS Central partnership, including the Joint Committee arrangements are still to a large extent, in their infancy. The process of transition to the new pooled working arrangements will be on-going for some while, and will need time to embed and mature.

No fundamental changes to the role and function of the Committee are therefore proposed at this stage, although a review of all legal documents, (including the Inter-Authority Agreement which provides the legal framework for the establishment and operation of the Joint Committee), is being undertaken to update names, job titles, contact details etc. and to correct/improve drafting where required.

Given however, that meetings of the Committee are open to the public, and that there is a general expectation that business will be conducted in accordance with the requirements of the Local Government Act 1972, it would

be helpful to agree a procedure for dealing with questions from members of the public at future meetings.

A suggested procedure is attached at Appendix 2. This has been agreed by the Practitioners Advisory Forum and follows in all significant respects, the arrangements most local councils have adopted for the conduct of their committee meetings.

The procedure requires that questions are submitted in writing, to the Committee clerk by noon on the second working day before the relevant Joint Committee meeting, with fifteen minutes being allowed on the agenda for responses.

The procedure also outlines the discretion to be exercised by the Chairman and Vice-Chairman where the time allowed for public questions is likely to be exceeded and the circumstances in which questions will be rejected.

4. Recommendation

The Joint Committee is recommended to:-

- Endorse the Terms of Reference included at Appendix 1, subject to further review in twelve months' time
- Approve the procedure for Public Questions included at Appendix 2 for all future meetings.

LGPS CENTRAL JOINT COMMITTEE

TERMS OF REFERENCE

The Joint Committee is a public forum for the Councils within the LGPS Central Pool (the Pool) to provide oversight of the delivery of the objectives of the Pool, the delivery of client service, the delivery against the LGPS Central business case and to deal with common investor issues. The Joint Committee shall provide assistance, guidance and recommendations to the individual Councils in connection with the functions set out below taking into consideration the conflicting demands and interests of the participants within the Pool. The Joint Committee does not have delegated authority to make binding decisions on behalf of the participating Councils.

Membership

- The Joint Committee shall consist of one elected member from each Council.
- Each council may nominate one or more elected member (s) to attend any meeting of the Joint Committee or its sub-committees in place of an appointed member from a Council, subject to prior notification being given to the Clerk to the Joint Committee or his or her nominee.
- Each council may remove its appointed members or substitute members and appoint different members and substitutes by giving written notice to the Clerk to the Joint Committee or his or her nominee.
- Each appointed member or substitute shall be entitled to remain on the Joint Committee for so long as the Council appointing them so wishes, but shall cease to be a member or substitute if he or she ceases to be a member of the appointing Council or if that Council removes the appointed member.
- Any casual vacancies will be filled as soon as reasonably practicable by the Council from which such vacancy arises by giving written notice to the Clerk to the Joint Committee or his or her nominee.
- Each member of the Joint Committee shall comply with any relevant codes of conduct of their Council when acting as a member of the Joint Committee.
- A Trade Union representative shall be appointed as a non-voting member of the Joint Committee to represent the scheme members across the Councils' pension funds.

Role and function

1. To provide oversight of the objectives of the Pool as listed below:
 - to meet the investment objectives of the participating LGPS funds;
 - to establish a collaborative platform through which the Councils can aggregate their pension assets with a view to providing scale economies and improved investment efficiency;
 - to develop internal investment management capabilities for the collective benefit of the Councils in order to provide wider investment choice and market competition;

- to create capacity to invest in asset classes which individual funds may find difficult to access;
 - to stimulate innovation, and provide an opportunity for funds to engage with the investment industry in finding new and creative approaches to the funding challenges faced by the LGPS (and the wider pensions sector);
 - to act as a responsible, long term investor, using its influence to promote the highest standards of corporate stewardship;
 - to create a regional centre of excellence for investment management, able (in the long term) to offer services to other pension funds, charities and endowments; and
 - Following transitioning arrangements, to invest each Shareholder's pension assets including any assets administered for and on behalf of other parties either through the collective investment vehicle(s) operated by LGPS Central Ltd, as the primary and exclusive collective investment vehicle(s) for all eligible pension assets, or by appointing LGPS Central Ltd to manage any non-eligible pension assets outside of such vehicle(s).
2. To provide oversight of the delivery of client service.
 3. To provide oversight of delivery against the LGPS Central business case.
 4. To deal with common investor issues, with a particular focus on Responsible Investment

Practitioners' Advisory Forum

The Practitioners' Advisory Forum (PAF) shall provide a central resource for advice, assistance, guidance and support for the Joint Committee and shall support the functions of the Joint Committee. PAF shall provide technical support at meetings of the Joint Committee and shall act as a conduit for the Joint Committee to communicate back to the respective Councils and/or direct to LGPS Central Ltd as appropriate.

Meetings

- The Clerk to the Joint Committee will be the Head of Paid Service or nominee of Cheshire West and Chester Council who will work within a budget set by the Councils.
- The Joint Committee will meet twice a year in June and December with the location to be rotated around the Shareholding Councils.
- The Clerk to the Joint Committee or his or her nominee will give notice to the public of the time and place of the meeting in accordance with Part VA¹ of the Local Government Act 1972. At least five clear working days before a meeting, the clerk to the Joint Committee or his or her nominee will send a summons signed by the Clerk to the Joint Committee or his or her nominee electronically to every Member. The summons will give the date, time and

¹ Meetings of councils and their committees are expected to be open to the public, except in the circumstances set out in Part VA of the Local Government Act 1972.

place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

- Each Council within the LGPS Central Pool will publish a link on its own website to the relevant page on Cheshire West and Chester Council's website providing access to the Joint Committee's agendas and minutes.
- The Chair and Vice Chair of the Joint Committee will be elected by the Joint Committee from amongst its members and shall hold those offices until the first meeting after 1st May in the following year.. Both the initial and subsequent Chairs and Vice Chairs may be re-appointed to serve a further term or terms.
- If there is a quorum of members present but neither the Chair nor the Vice Chair is present at the meeting of the Joint Committee, the other members of the Joint Committee shall elect one of the members of the Joint Committee as Chair of the Joint Committee for that meeting only.
- The quorum of a meeting will be at least five members who are entitled to attend and vote.
- Each elected member shall have one vote on any recommendations. Any matter will be decided by a simple majority of those members of the Councils represented in the room at the time the question was put. In the case of an equality of votes the Chair shall have a second or casting vote but before exercising this, the Chair shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee. The Chair shall take account of the governing principles to the LGPS Central pooling agreement when exercising the casting vote.
- The member appointed as a substitute shall have the same voting rights as the member for whom he or she is substituting and who does not attend. Where the appointed member attends the substitute member shall not have any right to vote after the conclusion of the item of business being discussed when the appointed member arrives, but may remain at the meeting as an observer.
- The Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- The Clerk to the Joint Committee or his or her nominee shall arrange for written minutes to be taken at each meeting of the Joint Committee and shall send them to the members of the Joint Committee for on-line approval within three weeks of the meeting. At the next meeting of the Joint Committee, the Chair shall move that the minutes of the previous meeting be ratified as a correct record. If this is agreed, the Chair of the Joint Committee shall sign the minutes.
- Any elected member of the Councils who is not a member of the Joint Committee may speak at a meeting of the Joint Committee if the Chair of the Joint Committee invites him or her to do so but an elected member of the Councils who is not a member of the Joint Committee shall not be entitled to vote at a meeting of the Joint Committee.
- Meetings of the Joint Committee shall be open for members of the public to attend unless the Joint Committee determines that it is necessary to exclude members of the public in accordance with Part VA of the Local Government Act 1972 or the Joint Committee determines that it is necessary to take action because of a disturbance. Copies of the agenda for meetings of the Joint

Committee and any reports for its meetings shall be open to inspection by members of the public at the offices of all of the Councils unless the Clerk to the Joint Committee determines that any report relates to items in which his or her opinion are likely not to be open to the public.

- In accordance with Part VA of the Local Government Act 1972, the Joint Committee shall exclude the public from its meetings whenever it is likely, in view of the nature of the business to be discussed or the nature of the proceedings that, if members of the public were present, confidential information would be disclosed to them in breach of the obligation of confidence.
- If any member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will arrange for their removal from the meeting room and will suspend the meeting until the member of the public has left or been removed.
- If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.
- Each Council will undertake the overview and scrutiny function on its own behalf in accordance with their constitutions.
- Items for inclusion in the meetings:
 1. Update on delivery against the objectives of the Pool
 2. Investment Performance & Cost Reporting
 3. Benchmark Reporting
 4. Service Level Agreement Reporting
 5. Update on delivery against the LGPS Central Business Case
 6. MHCLG & SAB Reporting
 7. Responsible Investment
 8. Investment Outlook
 9. Training/LGPS Central Events Programme
 10. Other Relevant Common Investor Issues

Terms of Reference Review

These terms of reference will be reviewed annually.

LGPS CENTRAL JOINT COMMITTEE – PUBLIC QUESTIONS

This note sets out the procedure for members of the public who wish to submit a question to be asked at the Joint Committee.

At each meeting of the Joint Committee, the public (including active members, deferred members, survivor members or employee members of the local authorities administering the pension funds that comprise LGPS Central) will be able to submit questions to the Chair of the Joint Committee to which the relevant member or officers supporting and attending the Joint Committee will respond.

A period of up to 15 minutes will be set aside for the taking of questions and answers.

Questions must be received by noon of the second working day before the day of the relevant meeting. This normally means, for example, that when a Joint Committee meeting takes place on a Wednesday, the deadline for receipt of questions is noon on the Monday of the week of the Joint Committee meeting.

Questions must be submitted in writing to the address below:

Charles Riley
Clerk to LGPS Central Joint Committee
Cheshire West and Chester Council
4 Civic Way, Ellesmere Port, Cheshire CH65 OBE
charles.riley@cheshirewestandchester.gov.uk

Please state your name and address. The Chair cannot accept anonymous questions.

Questions that have been accepted will be published on the Councils' website together with the name (but not the address) of the questioner. No person may submit more than one question to any one meeting and no more than one question may be asked on behalf of an organisation at any one meeting. No question may be sub-divided into more than two related parts.

If the Chair of the Joint Committee considers that the number of questions received is such that they cannot all be answered within 15 minutes, they will, after consulting with the Vice-Chair, select those which are to be put to the Joint Committee meeting. Any question which cannot be dealt with at the meeting because of lack of time will be dealt with by a written answer to be sent within 5 working days of the Joint Committee meeting by the member or officer of whom the question was asked.

The Chair will determine the order in which questions will be put and may group together similar questions. Questions will be read out at the relevant meeting by the Chair or Vice-Chair.

A question **must** relate to a matter for which the Joint Committee has responsibility.

A question may be rejected if it is:-

- i) illegal, improper, irregular, frivolous or offensive;
- ii) will, if answered, disclose confidential or exempt information;
- iii) relates to a matter or issue in respect of which a response has already been given under any of the pension administering Councils' complaints procedures, or which is currently being dealt with in accordance with other formal processes, such as court or tribunal proceedings or which is the subject of threatened court or tribunal proceedings by the person asking the question or a person or group which they represent;
- iv) relates to a matter or issue of a purely personal concern to the individual asking the question or their family members;
- v) is lengthy or a speech;
- vi) is an unintelligible question.