



**Report of: Assistant Chief Executive – Governance and Human Resources**

Meeting of	Date	Agenda Item	Ward(s)
Pension Board	14 September 2015		n/a

Delete as appropriate		<b>Non-exempt</b>
-----------------------	--	-------------------

## **Subject: MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS OF ISLINGTON PENSION BOARD**

### **1. Synopsis**

To inform members of the remit of the Pensions Board, its membership, terms of reference and dates of meetings in 2015/16 and agree to the code of conduct and conflict of interest policy.

### **2. Recommendation**

2.1 To note the membership of the Board, appointed by the Audit Committee on 4 June 2015, terms of reference and dates of meetings of the Pensions Board for the municipal year 2015/16, as set out in Appendix 1.

2.2 To note members of the Board are required to abide by the council’s code of conduct attached as Appendix 2 including completing the register of interests.

2.3 To note the declarations conflict of interest register in respect of any other conflicts of interests and declarations of interests at meetings to be kept by the Corporate Director of Finance and Resources attached as Appendix 3

### **3. Background**

3.1 The Public Services Pensions Act 2013 required the establishment of local pension boards for each Local Government Pension Fund no later than 1 April 2015.

3.2 Local Government Pension Scheme (Amendment) Governance Regulations 2014 (“ the Governance Regulations”) provide that Pensions Boards will have responsibility for assisting the ‘scheme manager’ (the Pensions Sub Committee in Islington’s case) in relation to the following matters:

To ensure compliance with:

- the Local Government Pension Scheme Regulation (LGPS),
- other legislation relating to the governance and administration of the LGPS, and
- the requirements imposed by the Pensions Regulator in relation to the LGPS to ensure the effective and efficient governance and administration of the scheme.

#### 4 **Terms of Reference**

The Board’s terms of reference are set out at Appendix 1 to this report.

#### 4.1 **Membership**

The membership of the Board consists of:

- three Islington Council Pension Fund employer representatives
- three Islington Council Pension Fund member representatives
- one independent member (non-voting)

The following have been appointed as members of the Board:

- (i) Bob Anderson - HR Director Elliot Foundation, as an employer representative (for a period of four years)
- (ii) Maggie Elliot- Chair of Governors at Montem Primary School, as an employer representative [how long fo (for a period of four years)
- (iii) Cllr David Poyser – employer representative and Vice-Chair of the Board
- (iv) Vaughan West, GMB, as a member representative and Chair of the Board (for a period of four years)
- (v) Mike Calvert, Unison, as a member representative(for a period of four years)
- (vi) Marion Oliver (employee and pensioner member)/Thelma Harvey (employee and pensioner member and substitute) (for a period of three years)
- (vii) David Bennett- as an Independent member (co-optee on Audit Committee) (for a period of four years)

#### 4.2 **Code of conduct and conflict of interest policy**

The administering authority is responsible for ensuring that confirmed appointees have access to training in order to acquire a broad knowledge and understanding as required by the regulation.

The Pension’s Regulator has issued a code of practice guidance on conflicts of interest that Pension Board members need to adhere as part of performing their function as members, and this will be available to the pension board.

The Council as an administering authority is required to provide a code of conduct and conflict of interest policy, and members of the board will be expected to adhere to the Council’s Members Code of Conduct attached as Appendix 2.

All nominees will be required to sign up to the members Code of Conduct and will receive training in respect of it. They will be required to register their interest in accordance with the Code

In addition, the Corporate Director of Finance and Resources shall be responsible for maintaining a conflict of interest register is attached as Appendix 3 for any conflicts not

covered by the Code of Conduct for members and any conflicts actually declared at meetings. The Corporate Director of Finance and Resources will maintain a conflicts of interest policy for the board reflecting these arrangements.

#### **4.3 Dates of meetings in 2015/16**

The Board's terms of reference specify that the Board shall meet bi-annually and normally on the same date as the Pensions Sub-Committee, in order that its deliberations may be taken into account in relation to relevant items on the agenda of the Pensions Sub-Committee.

For the municipal year 2015/16, the Board will meet on 14 September 2015 and 11 April 2016.

### **5 Implications**

#### **5.1 Financial implications**

None.

#### **5.2 Legal implications**

The Public Services Pensions Act 2013 established the requirement for local pension boards for each Local Government Pension Fund. Each administering authority was required to establish a Pension Board no later than 1 April 2015.

The Local Government Pension Scheme (Amendment)(Governance) Regulations 2015 state that the Pensions Board has responsibility for assisting the 'Scheme Manager' (ie the Pensions Sub-Committee) in relation to the following matters:

(i) To ensure compliance with:

- the Local Government Pension Scheme Regulations
- other legislation relating to the governance and administration of the Scheme, and
- the requirements imposed by the Pensions Regulator in relation to the Scheme;

(ii) To ensure the effective and efficient governance and administration of the scheme.

Pension Boards are not intended to be decision making bodies but have been established to provide oversight of compliance with these requirements.

#### **5.3 Resident impact assessment**

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A resident impact assessment has not been carried out since this report relates solely to the administrative arrangements for the Pension Board and will not impact upon residents.

#### **5.4 Environmental Implications**

There are no environmental impacts arising from this report.

## Conclusion and reasons for recommendation

To inform members of the remit of the Board and sign up to the Council's Code of Conduct

### Background papers:

None.

Final Report Clearance

Signed by

-----  
Assistant Chief Executive (Governance & HR)

-----  
Date

Received by

-----  
Head of Democratic Services

-----  
Date

Report author

Mary Green

Tel

020 7527 3005

E-mail

[mary.green@islington.gov.uk](mailto:mary.green@islington.gov.uk)

## Appendix 2

# Islington Code of Conduct for Members<sup>1</sup>

### Introduction and interpretation

1. (1) This Code applies to you as a member of Islington Council.
- (2) You should read this Code.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:
  - "meeting" means any meeting of—
    - (a) full council;
    - (b) the Executive;
    - (c) any of the council's or its Executive's committees, sub-committees, joint committees or joint sub-committees;
  - "member" includes a co-opted or appointed member at any meeting<sup>2</sup>.

### Scope

2. (1) You must comply with this Code whenever you:
  - (a) conduct the business of Islington Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of Islington Council.
- (2) Paragraph 5 will have effect even when paragraph 2(1) above does not apply where that conduct constitutes a criminal offence for which you have been convicted, including an offence you committed before the date you took office.
- (3) Where you act as a representative of Islington Council:
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

---

<sup>1</sup> **Note** – the following notes do not form part of the code and are for information purposes only

**Failure to comply with those parts of the code in italics may amount to a criminal offence unless the member has a reasonable excuse. In addition a member may have committed an offence if they pursuant to those parts provide information that is false or misleading and they know that it is false or misleading or are reckless as to whether the information is true and not misleading. A person found guilty may be fined up to level 5 of the standard scale. Further a member may be disqualified for a period not exceeding five years from being or becoming a member of Islington or other local authorities.**

<sup>2</sup> \*eligible to vote

(b) on any other body, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **High standards of conduct**

3. You must maintain a high standard of conduct, and comply with the following general conduct principles:

#### **The General Principles**

**Selflessness** — you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Integrity** — you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity** — you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** — you should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

**Openness** — you should be as open as possible about your actions and those of the council, and should be prepared to give reasons for those actions.

**Honesty** — you should be truthful in your council work and avoid creating situations where your honesty may be called into question

**Leadership** — you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

### **General Obligations**

4 (1) You must treat others with respect.

(2) You must not:

(a) do anything which may cause the council to breach any of the equality enactments

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant

(ii) a witness

(iii) involved in the administration of any investigation or proceedings

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the council.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

6. You must not:

(1) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where

- (a) you have the consent of a person authorised to give it; or
  - (b) you are required by law to do so; or
  - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (d) the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the authority
- (2) prevent another person from gaining access to information to which that person is entitled by law.

7. You:

- (1) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage
- (2) You must, when using or authorising the use by others of the council's resources act in accordance with the council's requirements, ensure that such resources are not used improperly for political purposes (including party political purposes); and have regard to any applicable Local Authority Code of Publicity made pursuant to the Local Government Act 1986.

8. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- (a) the council's chief finance officer (the Corporate Director of Finance and Resources); or
- (b) the council's monitoring officer (the Assistant Chief Executive (Governance and HR), or their deputies.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the council

**Registration and disclosure of interests**

9. (1) For the purposes of this Code, a pecuniary interest is a "disclosable pecuniary interest" in relation to you if

- (a) it is of a description specified in regulations made by the Secretary of State
- (b) it is an interest of a relevant person; and
- (c) you are aware that that other person has the interest.

(2) The Secretary of State has specified the following disclosable pecuniary interests:

**(a) Employment, office, trade, profession or vocation**

Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship**

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

**(c) Contracts**

Any contract which is made between you or the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

**(d) Land**

Any beneficial interest in land which is within the area of the relevant authority.

**(e) Licences**

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

**(f) Corporate tenancies**

Any tenancy where (to your knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

**(g) Securities**

Any beneficial interest in securities of a body where—

- (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
- b) either:
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

(3) A relevant person is

- (a) you, or
- (b) (i) your spouse or civil partner,
  - (ii) a person with whom you are living as husband and wife, or
  - (iii) a person with whom you are living as if you are civil partners

(4) A pending notification is a notification of an interest to Monitoring Officer which has yet to be entered onto the register

**Registration of Members' Interests**

10 (1) *Subject to paragraph 12, you must, within 28 days of your election or appointment to office, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the date when the notification of your election or appointment to office is given*

(2) If you become a member or co-opted member as a result of re-election or re-appointment (1) above only requires you to inform the Monitoring Officer of any pecuniary interests not entered already on the register when the notification is given.

(3) Subject to paragraph 12, you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any pecuniary interest registered under sub section (1) or (2), notify the Monitoring Officer of that change or new interest.

*(4) If you disclose a Disclosable Pecuniary Interest in any matter under paragraph 11(1)(a) below, (and there is not a pending notification in respect of that interest) you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of your disclosure of the interest at that meeting*

(5) The Monitoring Officer will maintain the council's register of interests, and enter onto that register all interests notified to them.

(6) Entries in the Member's register of interests will be removed should you no longer have the interest and you inform the Monitoring Officer of this fact and request removal or should you cease to be a member (for whatever reason)

(6) A copy of the register will be available for inspection at the Town Hall during working hours and published on the council's website.

## **Disclosure of Members' interests at meetings and by Executive members consulted concerning decisions**

### Disclosable Pecuniary Interests:

11 (1) *If you are present at a meeting and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at that meeting:*

*(a) If the interest is not entered in the Member's register of interests you must disclose both the existence and details of the interest to the meeting;*

*(b) you must also formally notify the interest to the Monitoring Officer after the meeting in accordance with paragraph 10(4) above (if you have not already done so).*

*(2) Where 11(1) above applies, you may neither participate or participate further in any discussion of the matter at the meeting nor participate in any vote or further vote taken on the matter at the meeting and must in accordance with the council's Rules of Procedure leave the room.*

*(3) Where you have authority to discharge a function acting individually and are aware you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with by you:*

*(a) If the interest is not entered in the register (and there is not a pending notification in respect of that interest) you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of when you become aware that the circumstances in this sub paragraph apply; and*

*(b) You must not take any steps or any further steps in relation to discharging the function (except for the purpose of enabling the matter to be dealt with otherwise than by you)*

(4) You are not required to disclose Disclosable Pecuniary Interests at meetings other than in accordance with 11(1) and (3) above. Should you wish to disclose a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency; this will be recorded in the minutes of the meeting.

### Personal Interests:

(5) If you intend to speak or vote in relation to a matter being or to be considered at a meeting and you do not have a Disclosable Pecuniary Interest but the matter relates to or is likely to affect to a greater extent than the majority of other council tax payers,

ratepayers or inhabitants of the electoral ward affected by the decision:

- (a) the financial position (including a contract or property interest) of:
  - (i) you
  - (ii) a relevant person
  - (iii) another member of your family;
  - (iv) any body of which you are a member or in a position of general control or management (other than as a council appointee or nominated representative); or
- (b) a planning or other regulatory matter concerning any such person

you must disclose the existence and nature of that interest at the commencement of consideration of the matter, or when the interest becomes apparent.

(6) For the purposes of this Code a member of your family shall be taken to mean a full parent, child or sibling of yours.

(7) If you are a member of the Executive and are attending a meeting of the Executive or a Committee of the Executive you must have obtained a dispensation from the Chief Executive in respect of the Personal Interest under paragraph 13.3 of this Code before you speak or vote

#### Other conflicts of interest of members of the Executive

(7) If you are attending a meeting of the Executive or a committee of the Executive and are aware that you have any other conflict of interest in a matter to be considered at a meeting, you should seek the advice of the Monitoring Officer as to whether you should obtain a dispensation from the Chief Executive under paragraph 13.3 of this Code before you speak or vote.

#### Conflicts of interest of members of the Executive consulted about Recordable Executive Decisions

(8) If you are aware that you have a Discloseable Pecuniary Interest, a Personal interest or any other conflict of interest in a Recordable Executive Decision (as defined in Appendix 6 of the Constitution) concerning which the decision makers is to consult you, you must have obtained a dispensation from the Chief Executive in respect of the conflict of interest under paragraph 13.3 of this Code before you take part in the consultation.

#### **Sensitive information**

12 Where you have an interest and the nature of the interest is such that you and the Monitoring Officer *consider* that disclosure of the details of the interest could lead to you or a person connected with you being subject to violence or intimidation:

- (a) If the interest is entered in the register, copies of the register that are made available for inspection and any published version of the register will not include details of the interest but will say that you have an interest the details of which are withheld pursuant to this section of this Code.
- (b) The interest must still be disclosed at meetings where required by this Code, but the disclosure can be limited to the fact that you have a confidential disclosable interest in the matter.

## **Dispensations**

### Discloseable Personal Interests

- 13.(1) In limited circumstances the Standards Committee (or the Monitoring Officer in cases (a) and (d) below) can grant a dispensation to a member to allow them to speak and/or vote in respect of an item of business at a meeting where they have a Disclosable Pecuniary Interest in that business under the Islington Members' Code of Conduct.
- (2) A dispensation can only be granted where the statutory grounds apply. The statutory grounds are that the Committee (or Monitoring Officer as appropriate) considers that,
  - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
  - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
  - (c) granting the dispensation is in the interests of persons living in the council's area,
  - (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the Executive or a committee of the Executive, or
  - (e) it is appropriate to grant a dispensation for some other reason
- (3) A request for a dispensation must be submitted to the Council's Monitoring Officer in accordance with the council's Procedure for dealing With Requests for Dispensations From Councillors.
- (4) If you are a member of the Executive and the meeting is a meeting of the Executive or a committee of the Executive you will also need a dispensation from the Chief Executive under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Chief Executive has issued a general dispensation that applies where a dispensation in respect of your Discloseable Personal Interest has been granted under this section of the Code so you will not need to make a special application.

### Other Conflicts of Interest – Members of the Executive Only

- (5) The Chief Executive may grant a dispensation to Executive members to allow them to speak and/or vote in respect of other conflicts of interest arising:
  - (a) at a meeting of the Executive or a committee of the Executive; or
  - (b) in relation to consultation in respect of a Recordable Executive Decision by an individual if he/she considers appropriate. The Monitoring Officer will deputise for the Chief Executive in respect of this function when he/she is unavailable.
- (6) A request for a dispensation must be submitted to the Council's Monitoring Officer in accordance with the council's Procedure for dealing With Requests for Dispensations From Councillors.

## **Related documents**

14. The Council has adopted codes and protocols which do not form part of this Code but which deal with specific activities that Members may be required to carry out in the course of their duties' as a Councillor. You are required to comply with the latest version of these from time to time and any breach may be regarded as a breach of this Code:
- (a) Member/Officer Protocol
  - (b) Use of resources
  - (c) Publicity Protocol

## **Guidance**

15. If you need further advice or guidance on interpretation of this Code or to apply for a dispensation, please contact:

Debra Norman the Assistant Chief Executive (Governance and HR) on ext. 6096;  
David Daniels; Assistant Director of Law on ext. 3277; or  
Peter Fehler, Assistant Director of Law, on ext. 3126

