

## Waltham Forest Pension Board

### Terms of Reference

#### 1. Status

- 1.1. The Pension Board is established by the London Borough of Waltham Forest in accordance with section 5 of the Public Service Pensions Act 2013 and the Local Government Pension Scheme Regulations 2013 (as amended).
- 1.2. All rules in this Constitution that apply to the Council's committees apply to the Board except where they are inconsistent with these terms of reference or any mandatory requirement of the Act or Regulations, which will take precedence.

#### Glossary

"the Act"	The Public Service Pension Act 2013
"Board"	The Local Pension Board for London Borough of Waltham Forest administering authority for the London Borough of Waltham Forest Pension Fund as required under the Public Service Pensions Act 2013
"The Chair"	The appointed Chair of the Pension Board
"The Code"	Means the Council's Code of Conduct for Councillors which shall apply to all Pension Board members, subject to the definition of conflict of interest below.
"Conflict of Interest"	"in relation to a person, means a financial or other interest which is likely to prejudice the person's exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme)." (s.5(5) of the Act).
"Employer Representative"	A board member representing the interests of the London Borough of Waltham Forest or any other Scheme employer (with the relevant experience and the capacity to represent employers on the board)

“Fund” or “Pension Fund”	London Borough of Waltham Forest Pension Fund
“LGPS”	The Local Government Pension Scheme
“Guidance”	Means any statutory guidance in respect of Pension Boards or the Regulations. Guidance notes will also be issued by the Director of Finance but these are non-binding on the Board and for training and information purposes only.
“Member Representative”	A board member representing the interests of scheme members (with the relevant experience and the capacity to represent scheme members on the board).
“officers”	Officers / employees of LB Waltham Forest except where expressly stated.
“Pensions Committee”	The LB Waltham Forest’s pensions committee with delegated powers to determine matters relating to the LGPS in Waltham Forest.
“the Regulations”	Local Government Pension Scheme Regulations 2013 (as amended) and any subsequent regulations so far as they apply to Pension Boards.
“Scheme Manager”	London Borough of Waltham Forest as administering authority of the London Borough of Waltham Forest Pension Fund

## **2. Powers**

2.1. The Board has no decision-making powers. It has a statutory role as an advisory body to the Council in its roles as the Scheme Manager of the Pension Fund with the aim of assisting the Council to:

2.1.1. Secure legal and regulatory compliance including requirements imposed in relation to the LGPS by the Pensions Regulator.

2.1.2. the effective and efficient governance and administration of the Pension Fund.

2.2. To discharge its functions, the Pensions Board may:

2.2.1. make reports and recommendations to the Pensions Committee.

- 2.2.2. Request and receive information and reports from the Pensions Committee or any other body, person or officer responsible for Fund management.
  - 2.2.3. Examine decisions made or actions taken by the Pension Fund Committee or any other body, person or officer responsible for Fund management.
  - 2.2.4. The Board must prepare an annual report approved at a Board meeting and signed by the Chair and sent to the Director of Finance in time that he can arrange for its publication in the Pension Fund's Annual Report and accounts. The Annual Report will be considered by the Pensions Committee.
  - 2.2.5. The Board may report matters to the Council's Audit and Governance Committee so far as they fall within the latter committee's terms of reference and cannot be dealt with by the Board, officers or other bodies or persons responsible for the Fund.
- 2.3.** The Board shall have regard to any statutory Guidance in carrying out their functions.

### **3. Membership and Appointment**

- 3.1. The Board shall consist of at least four members as follows (subject to the requirement that there must be equal numbers of employer and member representatives appointed):
  - 3.1.1. At least two employer representatives;
  - 3.1.2. At least two member representatives;
- 3.2. Each category may include persons appointed to represent either members or employers but each Board member must have the capacity to represent either member or employers.
- 3.3. The Director of Finance may appoint an Independent Member, taking into account the skills and experience of the employer and member representatives.
- 3.4. No officer or councillor may be appointed to the Board as a member or employer representative if they are responsible for the discharge of any functions under the Regulations (which do not relate to the Board or LGPS Advisory Board).

3.5. Substitutes for the employer or member representatives are not permitted. The Independent Member, if appointed, may have an alternate who will carry out Pension Board business if the Independent Member is not able to do so.

3.6. Appointments shall be made by full Council on recommendation of an appointment panel established and chaired by the Director of Finance.

#### **4. Term of Office**

4.1. Board members may be appointed for a period of up to 4 years but may have their term of office extended by 1 year.

4.2. Board members may apply for a second or subsequent term of office.

#### **5. Termination of Office**

5.1. Board members' office will be terminated where in the view of the Council's Chief Finance Officer, s/he no longer meet the eligibility criteria for their office, for instance but not limited to

5.1.1. where the member is no longer a Scheme member;

5.1.2. The member who is a councillor of the Administering Authority is appointed to a Pensions Committee; or

5.1.3. The member is appointed to the role of an officer of the Administering Authority with responsibility for the discharge of functions under the Regulations.

5.1.4. The member's participation demonstrates that they do not have capacity to represent members or employers, e.g. by non-attendance at meetings for 6 months or more.

5.2. Board members' office will be terminated:

5.2.1. s/he fails within 28 days of a written request to complete and return a Register of Interests Form to the Council's Monitoring Officer.

5.2.2. On the death of a member

5.2.3. A member resigns by notification to the Council's Chief Finance Officer in writing giving at least 3 months' notice.

5.2.4. The Director of Finance gives her/him 3 months' notice of termination of office (and this notice is confirmed by full Council).

5.2.5. Her/his term of office expires and they have not been reappointed.

## **6. Quorum**

- 6.1. The quorum is any two of either the employer or member representatives.

## **7. Chair and Vice Chair**

- 7.1. Full Council will appoint the Chair at its annual meeting on recommendation of the Director of Finance.
- 7.2. The Board will appoint a Vice-Chair as its first item of business at its first meeting in any municipal year.

## **8. Voting**

- 8.1. All Board members have a single vote and voting is by simple majority.
- 8.2. The chair of any meeting, provided that he/she is an employer or member representative, will have a second and casting vote where an equality of votes exists.

## **9. Meetings**

- 9.1. The Board will meet twice in any municipal year and will normally be held at Waltham Forest Town Hall.
- 9.2. The Chair or Director of Finance has the power to call additional extraordinary meetings.

## **10. Conflicts of Interest**

- 10.1. To ensure that conflicts of interests are properly registered and declared and appropriate action taken by Board members, the Council's Code of Conduct for Councillors will apply to all Board members subject to the provisions in the Regulations relating to conflicts of interest.